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IDAHO LEGISLATURE

Fifth Session

JOURNAL

OF THE
PROCEEDINGS
OF THE

House of Representatives

Commencing Dec^r 7 1868 Ending Jan^y 15 1869

— E. T. BEATTY — — — — — SPEAKER — — — — — H. F. SAYRS — — — — — CHIEF CLERK —



Let's say 25th May
at 12:00 PM
from 12:00 PM

Journal of the House of Representatives Idaho Territory

First Day -

House of Representatives
 Boise City
 December 7th 1888.

The House of Representatives was called to order at 12 o'clock by Henry F. Rogers, clerk of the last session.

The following certificate was read from the Territorial Secretary.

Members - House of Representatives

Ada County. Thos. H. Callaway, S. B. Knight, Thos. B. Hart.

Albion County. Meredith Kelly, Lewis Linbeck;

Boise County. H. S. Farley, S. T. Haysman, H. C. Green, C. B. Morley, S. Goodenough, Bailey Jayden, W. Clark - Thomas Fry.

Idaho County. C. T. Batty, C. Cluett.

Key. Chas. J. H. Bell, S. J. Zeigler.

Owyhee County, Patrick Campbell,
 Seth Cailin, P. S. Quinn.

Conida County, F. M. Shumaker.

Shoshone County, W. A. Goulden.

Secretary's Office I. T.

I hereby certify that at a General Election held in and for the Territory of Idaho, on the tenth day of August, A. D. 1868, the foregoing named persons were elected to the House of Representatives, Idaho Legislature.

In testimony whereof I have hereunto set my hand and affixed the Seal of the Territory at Boise City, this twelfth day of December A. D. 1868.

J. R. Howell

Secretary Idaho

W. A. Goulden, upon motion of C. T. Beatty, was placed in nomination for the position of Temporary Speaker, which motion being carried, a motion was made that a Committee of Three be appointed by the Acting Chairman to wait upon Mr. Goulden consisting of Beatty, Cailin, and C. C. Green. Mr. Goulden being introduced, took the position of Temporary Chairman.

On motion of C. T. Beatty, Judge Kelly was requested to administer the oath of Office to this House, and a Committee of Three, consisting of Beatty, Marx and C. C. Green, appointed to wait upon him.

The House now took a recess for one hour.

W. A. Goulden

Speaker

C. T. Beatty

Second Day.

House called to order.

Present, Bell, Beatty, Calloway, Campbell, Cahill, Fore, Goodenough, Goulden, Hart, Harby, Huesman, Hayden, Kelly, Linbeck, Mr Green, Moroney, Mary, Quinn, Shumaker, and Wright.

On motion of C. J. Beatty, a Committee of three, consisting of Mary, Goodenough, and Huesman, was appointed by the Speaker to wait upon Judge Kelly, and inform him that it was the desire of the House that he should administer to the Members thereof the Oath of Office.

Judge Kelly being presented the Roll of Members was called. Messrs. Mackey and Faigh absent. The oath was then by Judge Kelly duly administered to the following Members - Bell, Beatty, Calloway, Campbell, Cahill, Fore, Goodenough, Goulden, Hart, Harby, Huesman, Hayden, Kelly, Linbeck, Mr Green, Moroney, Mary, Quinn, Shumaker and Wright.

A vote of thanks was then tendered to Judge Kelly for his courtesy in administering the Oath to the Members.

John Donovan, was chosen Temporary Sergeant at Arms.

On motion of Mr Cahill, the House now proceeded to a permanent organization.

C. J. Beatty, was unanimously elected Speaker.

W. F. Quinn, was unanimously elected Chief Clerk.

Ed. Hayden, was unanimously elected

Geo. Ish. was unanimously elected Engraving Clerk.

J. J. Slater, was unanimously elected Enrolling Clerk.

John Donovan, was unanimously elected Sergeant at Arms.

Jack Walls, was unanimously elected Doorkeeper.

George W. Butterfield, was unanimously elected Page.

Thos. Thompson, was unanimously elected Postil.

The Attaches elected were now duly presented and the oath of Office administered by the Speaker.

The following resolution offered by D. C. Green was adopted.

Resolved That, the Standing Rules of the last Session be, and they are hereby declared the Rules by which this House will be governed, until the House may deem proper to change them.

D. C. Green.

House now adjourned till 2 o'clock.

House met pursuant to adjournment. The following Resolution introduced by D. C. Green was carried.

Resolved, That a Committee of Two be appointed by the Speaker to act with a like Committee of the Council, to wait upon the Governor, and inform his Excellency, that the Legislature is now duly organized, and ready to receive any Communication he may have to offer.

The Speaker appointed Messrs. C. W. Green
and Shumaker.

The Clerk was directed by order of the
House to notify the Council that they
had permanently organized, and were
ready for business.

On motion of Mr. Kelly, the House
adjourned till to morrow at 11 o'clock.

Henry F. Gay
Thos. W. H. Gay

E. J. Beatty
Spokes

House of Representatives
Boise City, Id.
December 9th 1868.

House met pursuant to adjournment.

Speaker in the Chair - Roll Called.
All present.

The Speaker announced that, on the morrow,
he would appoint the Standing Committee
for the session.

Journals of December Seventh and Eighth
read, corrected, and approved as corrected.

The following message was received from
the Council

Council Chamber
Boise City.
December 8th 1868.

Mr. Speaker, I am instructed to inform
your Honorable Body that the Council of the
Legislative Body of Idaho Territory has perma-
nently organized by the election of the following
Officers.

For President John S. Taylor
 " Secretary George Ainslie
 " Assistant Secretary Chas. H. Purdy
 " Recording Clerk Thomas Sweeney
 " Engraving Clerk W. H. Nabusham
 " Sergeant at Arms S. B. Willey
 " Door Keeper Lewis F. Alper
 " Page Robert Gillespie

and is now ready to proceed to business.
 Also that Messrs. Vance, Paul, and
 Paulis, were appointed as a Committee on
 Joint Rules of Order to act with a like Committee
 on the part of the House.

J. Ainslie

Secretary of the Council

Mr. Mr. Green offered the following Resolution
 which was read, and on Motion of Mr. Linbeck
 adopted.

Resolved, That the Sergeant-at-Arms of the House be instructed to furnish suitable accommodation for the Reporters of the Press, and assign them a position within the Body of the House.

Mr. Kelly offered the following Resolution,
 which was read, and on motion of Mr. Murray
 adopted.

Resolved, That the Sergeant-at-Arms be directed to furnish each Member of this Body with the necessary number of daily and weekly newspapers granted us by law.

The following Message was received from the Council.

Council Chamber

Bris City.

December 9th 1868.

Mr Speaker,

I am instructed to inform your Honorable Body that, The Council have appointed a Committee consisting of Messrs. Anderson, and Bunker, to act in connection with a like Committee on the part of the House, to wait on his Excellency Governor Ballard, and inform him of the permanent organization of both Houses and that they are ready to receive any communication he may see proper to make.

For further proceedings of this day - see page 258.

Fifth Day

House of Representatives

Bris City.

December 10th 1868.

House met pursuant to adjournment.
Roll called. quorum present.
Journal of December 9th read and approved.

On motion of Mr. Kelly, it was agreed, that a Standing Committee of Hospitals and Insane Asylums be appointed.

The Speaker then announced the following Standing Committees for the Session.

1st Judiciary. Cant. Hayden, Catlin.

2nd Privileges and Elections.
Foye, Wright, Goulden.

3^d

Corporations

Bell, Limbeck, Quinn

4th

County Boundaries

McGrew, Quinn, Shumaker

5th

Education

Cathin, Hayden, Goulden, Freye

6th

Ways and Means

Kelly, Hart, Hart, Morney, Hussianan

7th

Mining Affairs

Campbell, Limbeck, Hussianan

8th

Federal Relations

Hayden, McGrew, Kelly

9th

Roads and Bridges

Quinn, Wright, Bell

10th

Expressed Bills

McGrew, Callaway, Gordenough

11th

Enrolled Bills

Gordenough, Kelly, Shumaker

12th

Territorial Affairs

Callaway, Carley, Bell

13th

Mileage

Morney, Hart, Goulden

14th. Military and Indian Affairs
Marr, Campbell, Barclay.

15th. Printing
Cattin, Wright, Shumaker

16th. Hospitals and Insane Asylums.
Gordenough, Callaway, Cattin

On motion of Mr. Mr. Grew, The House
took a recess till 11 o'clock.

Eleven o'clock, A. M.

House re-assembled,
Speaker in the Chair.

The Doorkeeper announced the President
and members of the Council at the Bar of
The House.

In Joint Session.

President of the Council presiding.
Roll called - Those present on the part of the House
were

Messrs. Bell, Callaway, Campbell,
Cattin, Foye, Gordenough, Goulden, Hart,
Barclay, Cassman, Hayden, Kelly, Linbeck,
Mr. Grew, Mooney, Marr, Quinn, Shumaker,
Wright, Mr. Speaker.

On motion of Mr. Dudley of the
Council, the following Committee consist-
ing of two members from each House, viz:
Messrs. Dudley, Cusager, Goulden and Hart,
was appointed to wait on His Excellency,
S. W. Ballard, and inform him that the two
Houses were now in joint session, awaiting any
communication he might have to make to them.

The Committee returned, and announced Capt J. H. Porter, private Secretary of the Governor, with the Governor's message and the papers and documents in relation thereto.

The message of the Governor was then read after which,

On motion of Mr Anderson, of the Council, the joint Convention dissolved.

House re-assembled
Speaker in the Chair.

On motion of Mr McGrew, the House then adjourned to meet on December 11th at 11 o'clock A. M.

Wm. H. Davis
Chief Clerk

E. J. Beatty
Speaker

Eight

~~Eight~~ Day.

House of Representatives
Wash City

December 11th 1868.

House met pursuant to adjournment
Speaker in the Chair

Roll called. All present.

Journal of December 10th read and approved

~~House met pursuant to adjournment~~

Mr. Beatty by leave of the House, introduced
~~without leave of the House~~

H. B. No. 1. An Act entitled an Act
creating and organizing the County of Lemhi
which was read the first and second times,
and referred to the Committee on Counties, and
County Boundaries.

A Communication from the Secretary of
the State of Oregon, forwarding a copy
of Senate Joint Resolution No. 11. Requesting
the repeal of certain laws of Taxation, in
Idaho and Montana Territories, was read
and referred to the Committee on Ways
and Means.

Mr. Kelly introduced the following
Resolution, which on motion of Mr. Smith
was adopted.

~~Resolution~~

Resolved That a
Committee of three be appointed by
the Speaker to prepare and report Rules

for the Government of The House, and that such Committee be authorized to Act with a similar Committee of the Council, on Joint Rules.

The Speaker appointed on such Committee Messrs. Kelly, McGraw and Hart.

Mr. Bentley, by leave introduced without notice

H. B. No 2. An Act authorizing C. Beers, C. Davis, and their Associates, to construct and maintain a Bed Rock Flume in Chapian Creek, Lemhi which was read the first and second times, and referred to the Judiciary Committee.

The following message was received from the Council

Council Chamber
Boise City

December 11th 1868.

Mr. Speaker,

I am instructed to inform your Honorable Body that, the Council have had under consideration, Council Bill No 1, An Act defining the time and place for holding the Supreme Court, and have passed the same, which is herewith transmitted

J. Nishlin

Secretary of the Council

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C. B. No. 1. An Act defining the time and place for holding the Supreme Court &c was taken up for consideration.

Read First and Second Times, and referred to the Committee on Judiciary.

On motion of Mr. Kelly, the House took a Recess until 2 o'clock P. M.

Afternoon Session.

2 P. M.

House re-assembled

Speaker in the Chair.

Roll called. Quorum present.

Mr. Kelly, gave the following notice of the introduction of a Bill.

Mr. Speaker, I give notice that on an early day, I will introduce a Bill to amend an Act, entitled an Act, regulating the creation of County Claims.

Mr. McGraw, from the Committee on Counties and County Boundaries, presented the following report.

Mr. Speaker, Your Committee on County Boundaries to whom was referred H. B. No. 1 - An Act creating and organizing the County

of Lurki, beg leave to report that, they have had the same under consideration, and would respectfully recommend the passage of the Bill.

M. Goew
Chairman

Mr. Catlin, introduced the following resolution, which was read, and on motion of Mr. Goodenough adopted.

Whereas, we the Members of the Legislative Assembly of the Territory of Idaho having cheerfully acquiesced in taking the Test Oath (more commonly known as the Iron clad Oath), and believing said Oath to be proscriptive, unconstitutional, unnecessary, and inapplicable to us, and believing also that, such Test Oaths are the offspring of a vindictive partisan Congress administered by extra officious Officials for partisan purposes, and being further of opinion that, the only Oath required of us, is the one commonly administered to Officers within this Territory, which is that, prescribed by the Organic Act.

Therefore be it Resolved, that we solemnly protest against this Oath, and its administration to us, as being not only unconstitutional and illegal, but as inconsistent with our free institutions, and disreputable to our enlightened and liberal Government."

House Bill - No. 1. An Act entitled An Act creating and organizing the County of Lurki was taken up and ordered Engrossed.

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The following message was received from
the Council -

Council Chamber
 Boise City

December 11th 1868

Mr. Speaker,

I am instructed to inform
your Honorable Body that, the Council
have had under consideration, and have
adopted C. C. Resolution No. 1. requiring
the Territorial Controller to draw warrants
for the pay of the Members and Attaches
of the Legislature weekly, also C. C. Res-
olution No. 2. relating to the appointment
and salary &c. of Journal Clerks for both
Houses: -

Also C. C. Resolution No. 3 -
in regard to the printing of the Governor's
messages and accompanying documents,
names of Standing Committees of both
Houses, and the Rules of each House.

All of which are herewith
transmitted and the concurrence of the
House of Representatives respectfully
solicited thereto

J. Ainslie

Secretary of the Council

C. C. Res. c. 2. In regard to the
appointment of Journal Clerks for both
Houses - Read first ^{and 2^d} time, and referred
to the Committee on Ways and Means

C. C. Res. No 3. Relative to the printing of the Governor's Message and accompanying documents. Read ⁱⁿ First and Second times and referred to the Committee on Printing.

C. C. Res. No 1. Instructing the Territorial Controller to draw his warrants in payment of the salaries of members and Attaches of the Legislature weekly.

Read First and Second times and referred to the Committee on Ways and Means.

On Motion of Mr Campbell, the House then adjourned to meet on December 12th at 11 o'clock A. M.

Amos H. Gayle

Chief Clerk

E. J. Bently

Speaker

Highway

House of Representatives
 Boise City

December 12th 1888.

House met pursuant to adjournment -
 Speaker in the Chair

Roll Called -

all present

Journal of December 11th read and approved.

Mr. Kelly, from the Committee on Ways
 and Means offered the following Reports,

Mr. Speaker, Your Committee on
 Ways and Means, to whom was referred
 Council Concurrent Resolution No 2,
 concerning the appointment of Journal
 Clerks, by the Secretary of the Council, and
 Chief Clerk of the House, would respectfully
 refer the same back to the House, with the
 following amendment,

Resolved,
 by the Council, the House of Representatives
 concurring that, the Legislative Council, and
 the House of Representatives shall each have
 a Journal Clerk for their respective Houses,
 who shall be paid the sum of Six Dollars
 per day.

That, the Territorial Comptroller
 be authorized and directed to draw his
 warrant on the Territorial Treasury weekly
 at the end of each week for the amount cer-
 tified by the President and the Secretary
 of the Council, and the Speaker and Chap

Clerk of the House of Representatives found due such Journal Clerks, and that, the same shall be paid out of any monies in the Treasury not otherwise appropriated

Meredith Kelly.

Chairman of Committee
on Ways and Means.

Mr Speaker, Your Committee on Ways and Means, to whom was referred Concurrent Resolution 401. Beg leave to refer the same back to the House and recommend its adoption

Meredith Kelly

Chairman Committee
on Ways and Means.

Mr Hart, from the Judiciary Committee
afforded the following reports:

Mr Speaker, Your Committee on Judiciary to whom was referred Criminal Bill 401. Defining the time and place for holding the Supreme Court, have had the same under consideration, and would respectfully refer the same back to the House and recommend its passage.

Hart

Chairman Committee

Mr Speaker, Your Committee to whom was referred House Bill c. 2, concerning an Act to authorize C. Beers, C. Davis, and their associates to construct and maintain a Red Rock Flume in Chapian Creek &c, would respectfully refer the same back to the House to a Committee of the Whole, with the opinions of your Committee that, the same conflicts with an Act of Congress Approved March 2nd 1847 - Which is as follows:

Act: 1st - Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

That, the Legislative Assemblies of the several Territories of the United States, shall not after the passage of this Act, grant Private Charters or special privileges, but they may by general incorporation Acts, permit persons to associate themselves together as bodies corporate for Mining, Manufacturing, and other industrial pursuits.

Charles
Chairman Judiciary Committee

Mr W. Allen, from the Committee on Unpassed Bills offered the following Report,

Mr Speaker, The Committee on Unpassed Bills to whom was referred H. B. c. 10 by the Act intitled an Act organizing the County of Lemhi have examined the same and found it correctly engrossed, and is herewith transmitted to the Clerk.

W. Allen
Clerk

Mr. Cullen, from the Committee on Printing offered the following Report,

Mr. Speaker, your Committee on Printing to whom was referred Council Concurrent Resolution No. 3 - providing for printing the Governor's Message, documents, &c, having duly considered the same, beg leave to report the same back to the Assembly and recommend its adoption.

L. H. Cullen

Chairman Committee.

Mr. Kelly, from the Special Committee on Rules for the House, and Joint Rules of the House and Council offered the following Report,

Mr. Speaker, your Special Committee appointed to confer with a like Committee on the part of the Council in relation to Joint Rules, have performed the duties assigned them, and respectfully recommend the adoption of the Joint Rules of last session, with the exception of Rule 16, which we would recommend be stricken out, and Rule 19 - after the word Government insert the words "and such as have the force and effect of law"

Which would read -
All Concurrent or Joint Resolutions, which relate to, or contain communications to the Federal Government, and such as have the force and effect of law, shall be treated in all respects as Bills.

Mary Ann Kelly - Chairman
J. B. Hart
R. M. 1911

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Mr Catlin, offered the following Resolution

Resolved, That there be added to the list of Standing Committees of this Assembly one on ^{of} Mails and Mail Routes

Seth Catlin

Mr Hart, on leave, introduced without notice

H. B. No 3.

An Act to amend an Act for the protection of Sheep, Goats &c, against the ravages of Dogs, Approved January 11th A.D. 1867, which was read first and second times, and referred to the Committee on Ways and Means,

Mr Hart, on leave, introduced without notice

H. B. No 4.

An Act to repeal an Act for the protection of Game in Ada County, approved January 11th A.D. 1867. Which was read first and second times, and referred to the Ada County Delegation

C.B. No 1

An Act defining the time and place for holding the Supreme Court, was,

Read a Third Time,

And on the question, shall the Bill pass, the Yeas and Nays, were called

~~Council Bill~~

Yess
 Messrs. Bell, Callaway, Campbell, Castro,
 Foye, Goodenough, Goulden, Hunt, Hauler,
 Hussman, Hayden, Kelly, Limbeck, McGraw,
 Mooney, Clark, Quinn, Shumaker, Wright,
 Mr. Speaker - Twenty - aye - o -
 So the Bill passed.

C. C. A. Bill

An Act creating and organizing
 The County of Lincoln -
 Was read the third time
 and on the question "shall the Bill pass", the
 Yess and aye were called -

Yess

Messrs. Bell, Callaway, Campbell, Castro,
 Foye, Goodenough, Goulden, Hunt, Hauler,
 Hussman, Hayden, Kelly, Limbeck, McGraw,
 Mooney, Clark, Quinn, Shumaker, Wright,
 Mr. Speaker;

Yess - Twenty - aye - o -
 "So the Bill passed"

C. C. A. Bill

Instructing the Territorial
 Controller to draw warrants in payment of
 the members and attaches of the Legislature
 weekly - Was read the third time, and
 on the question shall the Resolution be adopted
 the Yess and aye were called -

Yeas

Mr. Bell, Callaway, Campbell, Cullin,
Forge, Goodenough, Goulden, Hart, Harley,
Husman, Hayden, Kelly, Linbeck,
McGowan, Mooney, Marx, Quinn, Shumaker,
Wright, Mr. Speaker

Yeas - Twenty - Nays - 0

"So the Resolution was adopted"

O. C. R. p. 3

In regard to printing
Governor's Message and Documents, was
read the third time. - And on the question
"Shall the Resolution be adopted?" The
Yeas and Nays were called -

Yeas

Mr. Bell, Callaway, Campbell, Cullin,
Forge, Goodenough, Goulden, Hart, Harley,
Husman, Hayden, Kelly, Linbeck, Mooney,
Marx, Quinn, Shumaker, Wright
Mr. Speaker

Yeas - Twenty - Nays - 0
"So the Resolution was adopted"

O. C. R. p. 2

In regard to the appointment
of Journal Clerks for both Houses -
Reported from the Committee with Amendment
was taken up. The question upon the
adoption of the Amendment having been
decided in the affirmative -

The Resolution was read the third time, and on the question "Shall the Resolution be adopted?" -

The Yeas and Nays were called

Yeas -

clerk?

clerk? Messrs Bell, Callaway, Campbell, Cailin, Foote, Goodenough, Goulden, Hunt, Bailey, Huseman, Hayden, Kelly, Linbeck, Marx, Quinn, Shumaker, Wright, Mr Speaker -

Yeas - Eighteen

Nays - Two

"So the Resolution was Adopted"

H. B. No 2.

An Act to authorize C. Burns, Harris and their Associates, to construct and maintain a bed rock flume in Chapin's Creek, Lemhi, was taken up for consideration, and on motion of Mr Marx, was laid upon the table -

On Motion of Mr Hunt, the vote adopting the Resolution concerning the Test oath, was reconsidered.

And on Motion of Mr Marx the Resolution was laid on the table

Mr Kelly in the Chair -

On Motion of Mr Beatty - H. B. No 2, was taken from the table, and on motion of Mr Beatty was ordered printed and made the Special order for Tuesday, 20th inst. P. M.

Mr. Wright, asked leave of absence, until
Tuesday, December 15th 11 a m, which on Motion
was granted.

On Motion of Mr. Beatty, the House adjourned
until Monday December 13th at 11 o'clock a m.

Henry G. Fayard
Chief Clerk

E. J. Beatty
Speaker

S. L.
Eight Page

House of Representatives
Bris City

December 14th 1868.

House met pursuant to adjournment.

Speaker in the Chair - Roll Called.
Absent Messrs. Wright & Kimbeck

Journal of December 12th read and approved.

The following Message was received from
the Council,

Council Chamber.

Bris City

December 14th 1868.

Mr Speaker,

I am instructed to inform your
Honorable Body that, the Council have had under
consideration and have adopted C. M. W. J.
praying Congress to extend the term of the sessions
of the Legislative Assembly, which is herewith
transmitted.

Also that, the Council has recom-
mended the subject matter of Joint Rules to
the Committee on Rules and Joint Rules, and
respectfully solicited a similar course on the part
of the House of Representatives.

Also that, the Council have had
under consideration, House Amendment to C. C. R.
& J. R., and refused to concur therein and the
same is herewith returned to the House for further
action.

J. A. Davis
Secretary of Council

The Speaker announced that, he had signed
C. B. 401

Mr. Galt gave the following notice

Mr Speaker, I give notice that I will
to-morrow introduce a Bill to Amend an
Act creating the office of District Attorney
in each District of Idaho Territory.

Galt

Mr. Callaway gave the following notice -

Mr Speaker, I give notice that, at an early
day, I will introduce a Bill to repeal an
Act, regulating enclosures, and to prevent
the trespassing of Animals. Approved
January 10th A. D. 1867.

Callaway

Mr. Kelly, from the Committee on Ways
and Means, offered the following reports.

Mr Speaker, (from Committee on Ways and
Means, to whom was referred, Senate
Resolution No 11, of the State of Oregon, requesting
the repeal of certain Laws of Taxation in
Idaho and Montana.)

Your Committee
have had the same under consideration and
refer it back to the House, with a recommenda-
tion that it be referred to the Committee
on Judiciary.

W. Kelly

Chairman of Committee
Ways and Means

Mr Speaker, Your Committee on Ways and Means, to whom was referred the Bill to Amend an Act to protect Sheep and Angora Goats, against the ravages of dogs; Beg leave to refer the same back to the House and recommend its passage.

Kelly -
Chairman Committee

Mr. Cullin, from the Committee on Printing offered the following report.

Mr Speaker, Your Committee on Printing would respectfully report that they have secured the printing of H. B. No. 2, and delivered the same to the Sergeant at Arms, for distribution.

Rich Cullin
Chairman Committee

Mr Hart, from the Ada County Delegation offered the following report.

Mr Speaker, Your Committee from the Ada County Delegation to whom was referred the Bill to amend the "Act for the protection of Game in Ada County", would refer the same back to the House, and recommend its passage.

Callaway -

Hart,
Hart

C. M. H. 1

Memorializing Congress to extend the Sessions of the Legislature was read First and Second Times.

On Motion of Mr. Hart, the rules were suspended, and the Memorial put upon its final passage. And on the question "Shall the Memorial be passed", the Yeas and Nays were called,

~~C. M. H. 15~~

Yeas,

Ball, Callaway, Campbell, Cutler, Hope, Goodenough, Goulden, Hart, Harley, Hass-
-shaw, Hayden, Kelly, McGowan, Mooney,
Mort, Quinn, Shumaker, Mr. Speaker,

Nays - Eighteen - Nays 0

So the Memorial was passed.

Mr. Brady, on leave, introduced without notice

H. C. M. C. 1

Philippines Congress to repeal an Act placing Idaho and Montana under one Indian Superintendency. Which was read, the First and Second Times, and referred to the Committee on Military and Indian Affairs.

Mr. Brady, on leave introduced without notice

H. C. M. C. 2

Memorializing Congress for an Appropriation to survey the boundaries of "Cheyenne Indian Reservation" which was read First and Second Times and referred to the Committee on Federal Relations.

H. R. No. 3

Was read and ordered Engrossed.

H. R. No. 4

Was read and ordered Engrossed.

C. C. R. No. 2

Relative to the Appointment of Journal Clerks, returned from the Council for further action, was taken up - A Motion of Mr McGrew that the House recede from the House Amendment was lost.

On Motion of Mr Campbell, the following Committee of Conference was appointed -
Messrs. McGrew and Kelly.

The Oregon Senate Concurrent Resolution, petitioning for the repeal of certain laws taxing property of other States in Transit through Idaho and Montana; Was read and on Motion referred to the Judiciary Committee.

On Motion of Mr McGrew, the House resolved itself into Committee of the Whole on the Governor's message -
Mr. Gouldin, Chairman

After consideration of the Governor's Message, the Committee arose, and offered the following Report: -

House of Representatives
 Boise City

December 14th 1868.

Mr Speaker,

the Committee of the

Whole on the Forenoon Message, I would respectfully offer the following report.

We have had the Message under Consideration, and would recommend that, it would be referred as follows. That part relating

to

"Miner and Mining,

to the Committee on Miner and Mining

to

Public Surveys,

to the Committee on Federal Relations

Mails and Mail Routes

to the Committee on Federal Relations

Acts of Congress, Courts, Army, Navy &c

be referred to the Committee on Judiciary

Indian Matters,

to the Committee on Military and Indian Affairs

Common Schools,

to the Committee on Education

Militia,

to the Committee on Military and Indian Affairs

Disance

to the Committee on Ways and Means

Rail Roads

to the Committee on Federal Relations

And we would further recommend that a Standing Committee on Agriculture be appointed, and that part of the Forenoon Message relating to Agriculture be referred thereto.

H. C. Fort. (Chairman)

On motion the Report was adopted, and the recommendation of the whole adopted.

On motion of Mr Kelly, the House took a recess till 2 o'clock, P. M.

Two o'clock P. M.

House re-assembled. Speaker in the Chair
Roll Called About Mr Wright

Mr McGrew offered the following Resolution -

Resolved; That, Rule 40 (Forty) be changed, so that it will read as follows:
"On the day succeeding that, on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Member. Provided; - Notice of intention to move such consideration shall have been given on the day, or the succeeding day on which such final vote was taken, by a Member voting with the Majority. - And it shall not be in order for any Member to move a reconsideration on the day on which such final vote was taken, said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. - Also notice of reconsideration shall be in order on the day preceding the last day of the Session. - But there shall be no reconsideration of a vote on a motion to indefinitely postpone."

A motion of Mr Cullen to indefinitely postpone the consideration of the Resolution was lost.

On motion of Mr Kelly, the Resolution was adopted.

Mr. Hoge, introduced H. C. R. No. 1,
 Requiring the Territorial Comptroller to
 send in the Annual Report on Schools.
 Which on Motion was laid on the table.

On Motion of Mr. McGraw, it was ordered,
 that, a Standing Committee consisting of
 three members be appointed on Agriculture.

The Speaker, appointed as such Committee
 Mr. H. C. R. No. 1,

Combs, Wright and Thompson.

On Motion the House then adjourned
 until December 15th at 11 o'clock A. M.

Henry J. Gay
 Chief Clerk

E. J. Beatty
 Speaker

Ninth Day

House of Representatives
 Boise City
 December 13th 1868.

House met pursuant to adjournment.
 Speaker in the Chair - Roll called -
 All present -

Journal of December 14th read and approved.

Mr. Hunt, gave the following Notice

Mr Speaker, I hereby give notice that,
 I will on tomorrow introduce a Bill to provide
 for the disposition of Lots in the Towns and
 Cities of Idaho Territory.

Thos B. Hunt

Mr McGrew, from the Committee on Engraved
 Bills, offered the following Reports

Mr Speaker, The Committee on Engraved
 Bills, to whom was referred 26. B. 13 -
 "An Act to amend an Act, for the protection
 of Sheep, Goats &c, against the ravage of dogs
 approved January 11th A.D. 1867 - Have
 examined the same and found it correctly
 Engraved, and herewith transmit it to the
 Clerk of this House.

H. McGrew
 chairman

Mr Speaker, The Committee on Engraved Bills, to whom was referred H. R. 44 - "An Act to repeal an Act for the protection of Game in Ada County, Approved, January 11th A.D. 1847". Have examined the same, and find it correctly Engraved, and herewith transmit it to the Clerk of this House.

D. W. Greer

Chairman

Mr May, from the Committee on Federal Relations, offered the following Report.

The Committee, appointed to Report upon ~~the~~ Home Memorial asking Congress to repeal an Act, uniting Idaho and Montana, under one Indian Superintendency, beg leave to report favorably upon the same.

A. May

Chairman Committee

Mr Wylder, from the Committee on Federal Relations, offered the following Report.

Mr Speaker; (1) Your Committee upon Federal Relations to whom was referred H. R. 402 Ask leave to report that they have had the said Memorial under consideration, and hereby refer the same back to the House, and recommend its passage.

Wylder,

Chairman

Mr Hart introduced H. C. R. No 2.
Appointing Committee to select
a Site for Territorial Prison. Which was
read and on Motion Adopted.

Mr. Catlin, introduced H. C. R. No 3.
Relative to the Printing of Bills &c, which
was read and on Motion Adopted.

Mr Callaway, introduced H. B. No 5 -
"An Act to repeal an Act regulating Enclosures
and to prevent the Trespassing of Animals"
Which was read the First and Second
times, and referred to the Committee on Agriculture

H. B. No 3 - An Act to amend an Act
for the protection of Sheep, Goats &c, against
the ravages of Dogs -
Was read the Third
time, and on the Question "Shall the Bill Pass"
the Yeas and Nays were Called.

~~Yeas - Twenty~~

Yeas, Messrs. Callaway, Campbell,
Catlin, Foye, Goddough, Gordon, Hart,
Harley, Kusman, Hayden, Kelly, Lindeco,
McClure, Morrow, Marx, Quinn, Shumaker,
Wright, and Spence

Yeas - Twenty

Nays - 0

So the Bill Passed

H. B. Hoff - "Ample to repeal and act
for the protection of Game in Ada County,
was read the third time, and on the question
"Shall the Bill Pass?" The Yeas and Nays
were called.

~~Ample to~~

Yeas, Albert, Bell, Callaway, Campbell,
Cullin, Foye, Gordenough, Goulden,
Hart, Hawley, Hussman, Hayden, Kelly,
Linbeck, Mr. Green, Mooney, Mann, Quinn,
Shumaker, Wright, Mr. Speaker -

Nays - Twenty -

Nays - 20 -

"So the Bill Passed".

House Memorial No. 1 - Was read
and ordered Engrossed.

House Memorial No. 2. Was read
and ordered Engrossed.

On motion of Mr. Campbell, the
House took a recess until 2 o'clock P.M.

Council Chamber
Boise City.

December 14th 1868.

Mr Speaker, I am instructed to inform your Honorable Body that, the Council has had under consideration C. B. No 4, "An Act to change the name of William Walker Stacks to William Walker."

Also C. B. No 5 "An Act to change the name of Thomas Rogers to Edward Brooks" - Which have this day passed.

Also C. C. R. No 6. Relating to the appointment of a Special Committee on Codifying the Laws - All of which is herewith transmitted.

J. Linster

Secretary of the Council

Council Chamber
Boise City

December 15th 1868.

Mr Speaker, I am instructed to inform your Honorable Body that, the Council has had under consideration C. C. Resolution No 5 - Granting leave of absence to John F. Berry Sheriff and Sheriff elect of Chey. River County Idaho Territory, which is herewith transmitted, and the concurrence of the House of Representatives respectfully solicited thereon. Also that, the Council have adopted C. M. No 2 - for a Treaty with Indians near Fort Hall.

Also C. L. No 4. For additional appropriation for Survey of Public Lands - Which are also herewith transmitted.

Also that the Council have adopted the Substitute reported from the Committee on Conference on C. L. No 2, which is also herewith transmitted.

J. Ainslie

Secretary of the Council -

H. B. No 2, made this Special order for 2 o'clock P. M. of this day - Was taken up for consideration.

On Motion of Mr. Callin, the House resolved itself into Committee of the whole on H. B. No 2.

Mr Callaway in the Chair.

After taking the same under consideration the Committee arose, and reported the Bill back to the House, without recommendation.

On Motion the Report of the Committee was adopted.

On Motion the House then adjourned to meet, on December 15th at 11 A. M.

James D. [unclear] E. J. Beatty Speaker

41
Tenth Day.

House of Representatives
Boric City

December 16th 1868.

House met pursuant to adjournment.

Speaker in the Chair — Roll Called
Quorum Present.

Journal of December 13th read and approved.

Mr. Tracy, on leave, introduced without notice
H. R. No. 6 —

"An Act amending an Act,
relating to Mechanics Liens, which was read
the First and Second times, and referred to the
Judiciary Committee

Mr. W. Grew, from the Committee on Engrossed
Bills, offered the following Report

Mr Speaker, The Committee on Engrossed
Bills to whom was referred House Memorial
No. 2 —

Memorializing Congress to survey
the boundaries of the Cheyenne Indian
Agency. — Have examined the same
and found it correctly engrossed —
And herewith transmit it to the
Clerk of the House.

D. W. Grew
Chairman

Mr Harley, from the Committee on Agriculture
offered the following Report,

Mr Speaker, Your
Committee on Agriculture to whom was
referred H. R. No 5. "An Act to repeal an Act
regulating Enclosures to prevent the trespassing
of Animals, have had the same under Con-
sideration, and beg leave to report the same
back to the House, recommending its rejection.

W. S. Harley
Chairman.

The following Communication from the
Secretary of the Treasury

Secretary's Office - D. C.
Boris City.
December 15th 1868.

Sir, I have the honor to transmit herewith
abstract from letter of instructions (now on file in this
Office) from the Treasury Department, in
relation to public printing, in this connection
I have made contract on the part of the United
States, with J. S. Reynolds, to execute the
Legislative Printing for the Session of 1868 & 1869.

I have the honor to be,
Very Respectfully
Yours &c. &c.
D. H. Everett
Secretary, Idaho.

Hon C. J. Beatty

Speaker, House of Representatives

The Message and accompanying document was referred to the Committee on Printing.

Mr Callaway, on leave, introduced without notice H. B. #7.

An Act in relation to Common Schools - which was read First and Second times, and referred to Committee on Education.

Mr Hayden, on leave, introduced H. B. #8.

"An Act to change the name of J. H. Bessard to J. H. Bebard, which was read the First and Second times, and referred to the Committee on Judiciary.

Mr Hunt, introduced H. B. #9.

"An Act to provide for the Disposition of Town Property, or Lots in the Towns and Cities of Idaho Territory - which was read First and Second times and referred to Committee on Territorial Affairs.

H. B. #2 - was taken up.

An Amendment of Mr Kelly's to strike out the word "Exclusive" whereon it occurred in the Bill, was adopted, and the Bill ordered Engrossed.

H. B. #5

"An Act to repeal the Act regulating Enclosures &c, was read, and on motion, Indefinitely postponed.

26. M. #2

Memorializing Congress for appropriation to survey boundaries of Nez Percé Indian Agency.

Read Third time, and on the question
shall the Memorial be passed, the Yeas and
Nays were called

~~Yeas and Nays~~

Yeas,

Nays.

Bell, Callaway, Campbell,
Cullen, Foye, Goodenough, Goulden, Hart,
Hearley, Huesman, Hayden, Kelly, Linbeck
McGrew, Mooney, Mott, Quinn, Shumaker,
Wright, Mr Speaker -

Yeas Twenty -
"So the Memorial was passed"

O. B. No. 2.

"An Act to Amend an Act to
Incorporate Lodges of Free Masons &c
Read First and Second Times, and referred
to Committee on Corporations;

O. B. No. 3.

"An Act to Amend an Act
providing for the appointment of Justices Public
&c"
Read First and Second Times, and
referred to Committee on Judiciary.

O. B. No. 4.

"An Act to change the name of
William Walker, Stockpole to William Walker,
Read First and Second Times.

On Motion of Mr Cullen, the rules were suspended
The Bill read a third time, and on the question,
"Shall the Bill pass, the Yeas and Nays
were called;

Exhibit (

Gen. Mifflin, Callaway,
Curtis, Foy, Goodenough, Goulden, McCut-
chen, Newman, W. Green, Mooney, Mary,
Quinn, Shumaker, Wright, Waspelaker.

Does, Mifflin Campbell,
Killy, Linbeck.

Gen. Scrumpston.

Does Three

To the Bill passed.

C. B. 35

Am. Act to Change the Name
of Thomas Rogers to Edward Brooks,

Read First and Second Times, and
referred to Committee on Judiciary.

C. M. W. 2.

Memorizing Congress
for a treaty with Indians &c

Read First and Second Times, and
referred to the Committee on Military
and Indian Affairs.

C. B. 4.

for Additional appro-
priation for Public Surveys.

Read First and Second Times, and
referred to the Committee on Federal
Relations.

C. S. for C. C. R. No 2.

Relative to Annual Reports.

Read and on Motion Adopted.

C. C. R. No 6.

Relative to Code on
Compiling Committee.

Read and on
Motion Adopted.

On Motion of Mr Campbell, the House
Adjourns till 2 o'clock, P. M.

2

C. W. O'Connell - P. M.

House re-assembled.

Speaker in the Chair - Roll Called
Quorum Present

C. C. R. No 5.

Granting leave of absence to
J. G. Barry, Sheriff, Reg. Exec. County.

Read First and Second Times.

Rules Suspended - Read a Third Time -
and on the Question "Shall the Resolution be
Adopted?" the Yeas and Nays were called.

~~Yeas 10 Nays 1~~

Yeas: Messrs. Callaway, Campbell, Wye, Goddough,
Golder, Givins, Hardy, Hayden, Kelly, Lambert, McLean,
Mooney, Ward, Quinn, Sumner, Mr Speaker,
Ayes: Mr Hussman -

Absent, Messrs. Bell, Cullen, Wright.
 Yeas in Session.

Nays in Ans.

Absent - Thru.

So the Resolution was Adopted.

On Motion of Mr McGrew, a Call of
 the House was ordered -

Absent Mr Bell,

Roll Called,

Mr Bell appeared,
 and excused himself - On Motion the
 excuse was accepted.

On Motion of Mr Kelly, the House proceeded
 to the Election of a Journal Clerk -

The following Nominations were made

W. J. Armstrong by Mr Kelly -

ii. W. Broadwell by Mr Galt

W. H. Lindsey by Mr Mart

Mr Galt, withdrew the name of W. H. Broadwell

Roll called, with the following result,

Mr W. J. Armstrong - Tenthon votes

Mr W. H. Lindsey - Six votes -

W. J. Armstrong, was declared the
 choice of the House for Journal Clerk

Mr Cælius, introduced H. M. No. 3,

Memorizing Congress to increase the Civil Jurisdiction of the Probate Court &c.

Read First and Second Times, and referred to Committee on Federal Relations.

Mr McGrew from the Committee on Engraved Bills, offered the following Report,

Mr Speaker, The Committee on Engraved Bills to whom was referred H. M. No. 1, asking Congress to repeal an Act putting Idaho and Montana under one Indian Superintendency.

Have examined the same, and found it correctly Engraved, and herewith transmit it to the Clerk of the House.

D. W. Greer

Chairman.

On Motion of Mr. Cælius, the House adjourned till December 17th 1848. at 11 o'clock, A. M.

Henry J. Gay
Clerk

E. J. Beatty

Speaker

Eleventh Day

House of Representatives
Bosch City

December 17th 1868.

House met pursuant to adjournment
Speaker in the Chair - Roll Called - All present
Journal of December 16th read and approved.

Mr. May, gave the following notice

Mr Speaker, I give notice that,
I will introduce a Bill to be entitled
"An Act, entitled An Act defining the
duties of Constables" -

May -

Mr. Hart, from the Committee on Judiciary
reported the following reports,

Mr Speaker, (from Committee on
Judiciary to whom was referred, H.
13. 408 - have had the same under
advisement. - And would refer the
same back to the House without recom-
mendation.

Hart -
Chairman Committee

Mr. Speaker, Your Committee on Judiciary
to whom was referred House Bill No. 6,
have had the same under consideration,
and would refer the same back to the House
with amendments, and as amended would
recommend its passage.

Thos B. Hart

Chairman Committee

Mr. Speaker, Your Committee to whom
was referred Council Bill No. 5, have had
the same under consideration, and beg
leave to refer the same back to the House
without recommendation.

Hart

Chairman Judiciary Committee

Mr. Hayden, from Committee on Federal
Relations offered the following Report,

Mr. Speaker, Your Committee on
Federal Relations to whom was referred
C. M. No. 4, beg leave to report that, they have
had the same under consideration, and would
respectfully refer the same back to the
House with the recommendation that it
pass.

Hayden,
Chairman

Mr Speaker, (from Committee on Indian Relations to whom was referred H. R. No. 3, have had the same under consideration, and would respectfully recommend the passage of the Memorial.

Hayden
Chairman

Mr. Bell, from the Committee on Corporations offered the following Report,

Mr Speaker, Your Committee on Corporations to whom was referred Council Bill No. 2, beg leave to report that they have had the same under consideration, and recommend its passage.

C. W. Bell
Chairman of Committee

Mr. Callaway, from the Committee on Territorial Affairs, offered the following Report,

Mr Speaker, Your Committee to whom was referred House Bill No. 9 concerning disposition of Town Lots and Property in Town and Cities of Idaho Territory, would refer the same back to the House with the recommendation that Section "Five" be amended as follows,

"That if either shall refuse to arbitrate, or refer the Claim to Referees, and advance pro-rata sum for the payment of Referees that, the Trustee or Trustees, shall and the said Lot or Lots, to the party advancing the Costs and recommend the passage of the Bill as amended

Callaway
Chairman

Mr. Mooney, from the Committee on Mileage, offered the following Report, which was adopted
 Mr. Speaker,
 Your Committee on Mileage, beg leave to report that, the Members of the House of Representatives of Idaho Territory, are each of them entitled to Mileage for the number of Miles indicated by the Figures set opposite their names as follows:

E. W. Bell	Seven Hundred Miles
T. H. Callaway	Twenty Eight Miles
P. Campbell	One Hundred & Twenty Miles
Leah Cullen	One Hundred & Twenty Miles
T. Hoze	Eighty Miles
A. Gordenough	Eighty Miles
W. W. Gould	One Thousand Miles
W. J. Harby	Eighty Miles
J. J. Huerfano	Eighty Miles
B. Hayden	One Hundred & Forty Miles
W. Kelly	Two Hundred & Eighty Miles
L. Linbeck	Two Hundred & Forty Miles
A. M. McFraw	Eighty Miles
D. B. Mooney	One Hundred & Fifty Miles
A. May	One Hundred & Forty Miles
P. J. Quinn	One Hundred & Forty Miles
T. W. Shumaker	Eight Hundred Miles
E. J. Beatty	Two Thousand, One Hundred & Eight Miles

J. B. Wright - One Hundred Fifty Miles

J. B. Wright of Ada County,
claiming one hundred and fifty yards
mileage - Your Committee would respectfully
recommend that his case be referred to the
Committee on Mails and Mail Facilities

Respectfully Submitted

A. J. Moray

Chairman

H. B. No. 9 - was read and on Motion
recommitted

H. B. No. 10 - Was read with amendments
amendments adopted and ordered Engrossed

C. B. No. 2.

To "Demand an Act to Incorporate
Lodge of Free Masons &c" - Was read Third
Time, and on the question "Shall the Bill
pass?" the Yeas and Nays were called.

~~C. B. No. 2.~~

Yeas,
Messrs. Bell, Callaway, Campbell,
Cullen, Foye, Goodenough, Goulden,
Hart, Harley, Housman, Hayden,
Stelly, Limbeck, Moray, Marx, Quinn,
Shumaker Wright, Mr. Speaker -

Nays, Mr. Moray -

Yeas - Pending

Nays - One -

So the Bill Passed.

The following Message was received from
The Council,

Council Chamber

Boise City

December 16th 1868

Mr Speaker,

I am instructed to inform
your Honorable Body that, the Council has
had under consideration, and adopted C. C.
R. No 4, requiring the Sergeant-at-Arms
of each House to furnish the Members of the
Legislature with certain newspapers.

Also that, the Council has adopted
C. M. No 3, for Survey of Boundary Line,
between Idaho and Utah Territories

Also C. M. No 5, as to
an Assay Office at Boise City, all of
which is herewith transmitted

J. Amelio

Secretary of the Council.

C. M. No 4. For additional appropriations
for Public Works -

Read Third Time,
and on the question "Shall the Memorial
pass?" The Yeas and Nays were called

~~Yeas~~

Yeas. Messrs. Bell, Callaway, Campbell,
Callio, Sage, Goodenough, Goulden, Hart,
Hearley, Horsemann, Hayden, Kelly, Linbeck,
McGrew, Mooney, Marx, Quinn, Skinner,
Wright, Mr Speaker,

Yeas - Twenty
Nays - 0 -

So the Memorial passed.

26 B. A. 8. Was ordered Enrolled.
 On Motion of Mr. Catlin, the House
 took a recess till 2 o'clock P. M.

Two o'clock P. M.

House re-assembled - Roll Called - Quorum Present.

On Motion of Mr. Kelly, the House adjourned
 until December 18th at 11 A. M.

Henry T. Gay
 Chief Clerk E. J. Beatty Speaker

Twelfth Day -

57.

House of Representatives
Bris. City

December 18th 1868.

House met pursuant to adjournment
Speaker in the Chair - Roll Called - All Present.
Journal of December 17th was read and approved
Mr Kelly, gave the following notice

Mr Speaker, I give notice that,
on to morrow, I will introduce a Bill to
Amend the Revenue Act

Mr Hart, gave the following notice

Mr Speaker, I hereby give notice
that, I will in a few days, introduce a
Bill to Amend the Revenue Laws for
Ada County.

Thos B Hart.

Mr Callaway, from the Committee on Territories
Affairs, offered the following Report -

Mr Speaker, Of your Committee to whom was
referred Councils Memorial N^o 3 - for
survey of line between Utah and Idaho,
would beg leave to report that same back
to the House, and recommend its passage.

Callaway
Chairman

Mr Speaker, Your Committee to whom was referred House Bill No. 9 - Concerning the Disposition of Town Property and Lots in Towns and Cities of Idaho Territory, would respectfully refer the same back to the House, and recommend its passage as amended.

Callaway

Chairman

Mr W. W. New, from the Committee on Engrossed Bills, offered the following Reports:

Mr Speaker, Your Committee on Engrossed Bills, to whom was referred H. B. No. 2 - "An Act to Authorize and Empower C. B. Ben, C. Davis and their Associates to construct and maintain a Bed Rock Flume in Chapin's Creek &c" - Also H. B. No. 8 - "An Act to change the name of J. G. Hazard to J. H. Bernard" - Also H. B. No. 3 -

Memorial praying for the Extension of the Jurisdiction of Probate and Justice Courts. Have examined the same and found them correctly Engrossed, and herewith return them to the Clerk of this House.

L. B. W. New

Chairman

Mr Hayden, from the Committee on Federal Relations, offered the following Report -

Mr Speaker, Your Committee on Federal Relations to whom was referred Council's Memorial No. 5 - beg leave to report that they have had the same under consideration, and respectfully refer the same back to the House, with the recommendation that it pass -

Hayden
Chairman

Mr. May, from the Committee on Military and Indian Affairs, offered the following Report,

Mr Speaker, Your Committee on Military and Indian Affairs, to whom was referred Council Mem: 1st 2. Have had the same under consideration, and would respectfully refer the same back to the House and recommend its passage.

A. May

Chairman

Mr. Hunt from the Committee on Judiciary offered the following Majority Report,

Majority Report.

Judiciary Committee

Mr Speaker, Your Committee to whom was referred Council Bill No 3 - "To provide for the Appointment of C. P. Officers Public, have had the same under consideration and would refer the same back to the House, and recommend its passage.

Hunt

Secretary

The following Message was received from the Council,

Council Chamber

Boise City,

December 17th 1868.

Mr Speaker,

I am instructed to inform your Honorable Body, that, the Council has had under consideration, and passed C. B. No 9 - "An Act for the relief of A. Adams late Assessor of Ada County."

Also that, the Council has had under consideration H. M. No 2 - "For an Appropriation to Survey Boundaries of Chey-Peice and Shoshone Indian Agency, and has adopted the same - All of which is herewith transmitted

J. Winsie

Secretary of the Council

Mr Callaway on leave, introduced the without notice H. B. No 10 -

"An Act to repeal an Act, authorizing J. S. Jones and Associates, to Construct and maintain a Boom across Boise River.

Read First and Second Times and referred to the Committee on ^{the same} ~~the same~~ ^{the same} ~~the same~~

Also covered Bill. No 11 Grading
Linn of absement to J D 12 1/2
Auditor & Recorder Elect of
Myer County

Mr. May, introduced H. B. No. 11.

"An Act entitled An Act, defining the duties of Constables - Read first and second times and referred to the Committee on Judiciary.

Mr. Catlin, from the Committee on Judiciary offered the following Minority Report,

Mr Speaker, Whereas, the Majority of the Committee on Judiciary, have upon due consideration, concluded to report favorably to the passage of Council Bill No. 8, and whereas the undersigned member of the Judiciary Committee hereby have to dissent therefrom, and recommend the said Bill back to the House, with the following Amendment, to wit; -

That that portion of the Bill which reads as follows, -
 Each Appointee shall pay the sum of ten dollars to said Secretary who shall keep an account of the same, and pay one half thereof to the library fund for the use of the Supreme Court and may apply the residue as his fee in that behalf - Be stricken out.

Signed Seth Catlin

Minority Report
 of
 Judiciary Committee

Mr Cutler, from the Committee on Printing
offered the following Report,

The Speaker, from the Committee on Printing
to whom was referred Communications from
Territorial Secretary, S. R. Howell, have had
the same under consideration, and after
Conference with Council Committee, beg
leave to submit the following Resolution.

Leah Cutler
Chairman Committee

H. C. R. N. 4 -

Relative to Appropriations for Printing
accompanying the above Report, was
Read, and on Motion Adopted.

H. C. R. N. 2. "An Act to authorize C. J. Jones,
C. Davis, and their Associates to construct
and maintain a Red Rock Flume in Napier
Creek, Read Third time, and on the Question,
"Shall the Bill pass?", the Yeas and Nays were
called.

~~Leah Cutler~~

Yea, Messrs. Callaway, Campbell, Foye,
Goodenough, Gould, Hunt, Hawley, Huxman,
Kelly, Linbeck, Monroe, Sumner, Wright,
Mr Speaker.

Nay, Messrs. Bell, Cutler, Croysen,
McIrvin, Myers, Quinn.

Yea - Motion - Ayes - Six -
So the Bill passed.

H. B. M. S. - "An Act to change the name of J. H. Busard to J. H. Bernard -
Read Third time and on the question
"Shall the Bill pass?" the Yeas and Nays were called.

~~Yeas -~~

Yeas, -
Mps. Bell, Callaway, Campbell,
Joye, Goodenough, Goulden, Houseman,
Hayden, Mc Green, Mooney, Mary Wright
Mr Speaker.

Nays,
Mps. Caitlin, Hunt, Conley,
Kelly, Linbeck, Quinn, Shumaker

Yeas - Thirteen

Nays - Seven -

So the Bill passed.

H. M. W. 3 - Memorializing Congress
to increase the jurisdiction of Probate Judges
and Justices of the Peace. Read Third
time, and on the question shall the Bill
pass, the Yeas and Nays were called:

~~Yeas -~~

Yeas, -
Mps. Bell, Callaway, Campbell,
Caitlin, Joye, Goodenough, Goulden,
Hunt, Conley, Houseman, Hayden,
Kelly, Linbeck, Mc Green, Mooney,
Quinn, Shumaker, Wright,
Mr Speaker - Yeas Twenty - Nays - 0
So the Bill passed.

H. M. H. Petitioning Congress to
repeal an Act placing Idaho and Montana
under one Indian Superintendency.

Read Third time, and on the Question
shall the Memorial pass? the Yeas and
Nays were called.

Amended

Yeas.

Nays.

Bill, Callaway, Campbell,
Cairns, Foye, Goodenough, Goulden, Hart,
Haley, Hussman, Hayden, Kelly, Limbeck,
McGinn, Mooney, Maas, Quinn, Shumaker,
Wright, & McSpeaker.

Yeas - Twenty
Nays - None

So the Memorial passed.

H. B. H. G. - Was ordered Enrolled,
and on Motion of Mr Campbell, made the
Special Order for Tuesday 2 o'clock P. M.

H. B. H. G. - "An Act for the relief of
A. Maas, late Assessor of Ada County."
Read First and Second times,
and referred to the Ada County delegation.

H. B. H. G. -
"An Act granting leave of absence to
J. D. Beckwith -"
Read First and Second times
Rule Suspended - Read Third times

And on the Question "Shall the Bill pass?"
the Yeas and Nays were called.

Yeas

Yeas

Mrs. M. J. M.

Ballard, Campbell,
Carter, Faye, Goodenough, Graham,
Hunt, Bailey, Huesman, Hayden,
Kelly, Linbeck, McGraw, Moore,
Moss, Quinn, Shumaker, Wright,
McSpencer,

Nays - Mr. Bell -

Yeas - Question

Nays - One.

"So the Bill Passed -

C. B. W. 3 - Ordered printed, and is on
motion of Mr. Moore, was made the Special
Order for Monday 2 October, P.M.

C. M. W. 3. Referred to the Committee
on Army Office at Boise City.

An Amendment offered by Mr. Campbell
to strike out Boise City, and insert
Silver City, was lost.

Read Third Time
and on the Question "Shall the Amendment
be passed, the Yeas and Nays were called.

~~Continued~~

Gen. M^r. Bell, Callaway, Campbell,
Hoye, Goodenough, Golden, Hunt, Hurler,
Hussman, Hayden, Kelly, Lambert,
Mr Green, Moomy, Mary, Quinn, Shumaker,
Wright, Mr Spitzer,

Gen. A. M. Stein

Page One.

"So the Memorial was Passed."

C. M. M. 3 - For Survey of Boundary
line between Idaho and Utah Territories -

Read ~~Third~~ Times, and on the Question
"Shall the Memorial pass", the Yeas and
Nays, were called.

~~Continued~~

Gen. M^r. Bell, Callaway, Campbell,
Callan, Hoye, Goodenough, Golden,
Hunt, Hurler, Hussman, Hayden,
Kelly, Lambert, Mr Green, Moomy,
Mary, Quinn, Shumaker, Wright,
Mr Spitzer -

Gen. A. M. Stein

Page Two

"So the Memorial, passed"

6 M. No. 2. Was on Motion of Mr. May made the Special Order for Wednesday at 2 o'clock, P. M.

On Motion of Mr. Kelley, the House took a recess till 2 o'clock, P. M.

2 o'clock - P. M.

House re-assembled - Speaker in the Chair

Roll Called - Quorum Present

On Motion of Mr. Hayden, the House adjourned till December 19th at 11 A. M.

Henry C. [unclear] signs
Prof. [unclear]

E. J. Beatty
Spoked

Thirtieth Day -

House of Representatives
Bris. City

December 14th 1868

House met pursuant to adjournment
Speaker at the Chair, - Roll Called - All present.
Journal of December 18th read and approved.

Mr. Shumaker, gave the following notice

Mr. Speaker, I hereby give notice that,
I will on Monday next, or soon after ask
leave to introduce a Bill in relation to
Tolls, Toll-Roads, and Licenses.

Shumaker

Mr. Hunt, from the Committee on Judiciary
offered the following Report, Mr. Speaker

Your Committee to whom was referred
S.B. 13. S. 11 - Entitled An Act, defining the
duties of Constables, have had the same
under consideration, and beg leave to report
favorably to the passage of the Bill.

Hunt

Chellis

Hayden

Mr. W. C. Brown, from the Committee on Engrossed Bills, offered the following Report.

Mr. Speaker, Your Committee on Engrossed Bills to whom was referred H. B. No. 6 - "An Act, Amending of An Act relating to Mechanics Lien."

Also H. B. No. 9 "An Act to provide for the disposition of Town property on Lots in the Towns and Cities of Idaho Territory, have examined the same and found them correctly engrossed and have with transmission thereof to the Clerk of this House.

W. C. Brown

Chairman

Mr. Bell, from the Committee on Corporations offered the following Report,

Mr. Speaker, Your Committee on Corporations to whom was referred House Bill No. 10, beg leave to report that, they have had the same under consideration and recommend its passage.

C. W. Bell

Chairman

The following Message was received from the Council -

Council Chamber

Bris City

December 18th 1868.

Mr Speaker, I am instructed to inform your Honorable Body that, the Council has had under consideration and has passed C. B. No 10 - "An Act defining the time for Acts and Joint Resolutions to take effect."

Also that, the Council has adopted C. B. No 8 - as to the Appointment of a Joint Committee on the Revenue Law - All of which are herewith transmitted.

J. Ansley

Secretary of the Council

Mr Kelly introduced H. B. No 12 - "An Act to amend the Revenue Law"

Read First and Second Times put referred to the Committee on Ways and Means.

H. B. No 10 - "An Act to amend the Act, authorizing J. L. Toner, and others to construct and maintain a 1300m across 1300m River."

The Question being upon the Engagement of the Bill, the Motion was put and lost.

H. B. No 11 - "An Act to amend the Engagement."

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C. C. R. No. 8. Appointing Joint Committee
on Revenue Laws. Passed and Adopted.

The Speaker, appointed on the part of
the House, Messrs. Kelly, McGowan & Hunt.

C. C. R. No. 10. An Act fixing the time
for Acts and Joint Resolutions to take
effect - Read First and Second Times
and referred to the Committee on Judiciary.

On Motion of Mr. May, the House
took a recess till 3 P.M.

Three O'clock P.M.

House re-assembled - Speaker in the Chair.

Roll called - Quorum Present.

The Speaker made the following announcement.

Gentlemen, It becomes my painful
duty, to announce the death of our
beloved John A. May. I have known
him long, a true friend, & better man
never lived: It is but right we should pay
the usual tribute of respect to his memory.

Mr McGrew, offered the following Resolution which was adopted.

Resolved that, a Committee of Three be appointed by the Speaker to draft suitable resolutions, expressing of the feelings of this House, at the death of our late Sergeant-at-Arms John Donovan.

The Speaker, appointed on such Committee Messrs. McGrew, Hunt & Bailey.

On Motion of Mr Kelly, the following Committee on Arrangements for the funeral obsequies, was appointed. Messrs. Kelly, Kelly, Campbell, Shumaker, Ballou.

On Motion of Mr May, the House took a recess for five minutes.

House re-assembled.

The following Resolutions were offered by the Committee, which were read and adopted.

"Whereas it has pleased an All-wise Providence, to remove from our midst our Sergeant-at-Arms John Donovan.

Therefore, Be it Resolved, that, in this our great bereavement, be tender our heartfelt sympathy, to the relations and friends of the deceased.

Resolved; That, in the death of our Sergeant-at-Arms, we have lost a good and efficient Officer, and a genial Companion.

Resolved; That, in memory of our worthy Officer that the Legislative Council be invited to attend the funeral services and burial, and that the House adjourn until 11 o'clock, Monday 21st inst.

Resolved; That, these Resolutions be placed upon the Journal of the House, and the Chief Clerk send a copy thereof to his relatives.

Resolved; That, the Members of the House, wear Crape for three days in memory of the deceased.

L. M. Brown
J. B. Hart
S. C. Carter

Committed

The Committee of Arrangements
afford the following Report, which
was adopted.

Mr. Speaker, Your Committee of Funeral Arrangements beg leave to report as follows.

First; The funeral procession will leave the House of Heart & Brothers, at 3 o'clock P. M., tomorrow.

Order of Procession

Second, The Carriage of the remains of deceased.

Third, Members and Officers of the House.

Fourth, Members and Officers of the Council.

Committee of Arrangements.

Meredith Kellogg -

Wm. Hoge -

Patrick Campbell -

Wm. Sumner -

J. H. Callaway -

Fifteenth Day -

House of Representatives
 Briss City
 December 21st 1868.

House met pursuant to adjournment.
 Speaker in the Chair. Roll called.

All present -
 Journal of December 19th read and approved.
 Mr W. C. Brown, from the Committee on Engraved
 Bills, reports the following Report.

Mr Speaker, the Committee on Engraved Bills
 to whom was referred H. B. 2111 "An act entitled, an
 Act, defining the duties of Constables."

It was examined the same, and found it
correctly engrossed, and herewith transmit
it to the Clerk of this House.

Mr. Quinn, from the Committee on Printing,
offered the following Report -

Mr. Speaker,

The Committee on Engraving ~~Bill~~, to
which was referred H. R. 111 "An Act
entitled 'An Act defining the duties of
Constables'."

Have examined the same,
and found it correctly engrossed,
and herewith transmit it to the Clerk of
this House.

Mr. Catlin, from the Committee on Printing
offered the following Report,

Mr. Speaker, Your Committee on
Printing, would respectfully report that,
they have secured the printing of 14
Bills Nos. 6 & 9 - and delivered the
same to the Sergeant at Arms for Distri-
bution.

Leah Catlin

Chairman Committee

Mr. Force, introduced the following
Resolution which was adopted -

Resolved, by the House of Representatives
that, we tender our sincere thanks to Col James
B. Sinclair, M.D.A. Captain 1st Regt. 23rd Infantry,
Commanding Fort Brix, for the kindness
extended to his friends and Members of the Legislative
Assembly, in permitting them to visit the remains of
the late Mr. Morgan in the enclosed Cemetery belonging to the
Government, and used as a place of interment for U. S. Soldiers.

H. B. Ap. 11 - "An Act entitled An Act
defining the duties of Constables,
Read Third time, and on the Question
"Shall the Bill pass?", the Yeas and Nays,
were called.

Wm. B. Smith
Yea, 17 Nays, 1

Yea, 17 Nays, 1
Bell, Callaway, Campbell,
Carr, Fox, Gordon, Hunt, Kelley,
Housman, Hayden, Kelly, Linbeck,
McGrew, Mooney, Mart, Quinn,
Wright, Mr Speaker,

Nays, 1 Nays, 1
Yea, 17 Nays, 1
Bell, Callaway, Campbell,
Carr, Fox, Gordon, Hunt, Kelley,
Housman, Hayden, Kelly, Linbeck,
McGrew, Mooney, Mart, Quinn,
Wright, Mr Speaker,

Yea - Eighteen

Nays - Two

"So the Bill passed"

H. B. Ap. 12 - "An Act Amendment of
An Act relating to Mechanics Liens -

Read Third time, and on the Question
"Shall the Bill pass?", the Yeas and Nays were called.

Wm. B. Smith

Yea, 17 Nays, 1
Yea, 17 Nays, 1
Bell, Callaway, Campbell,
Carr, Fox, Gordon, Hunt, Kelley,
Housman, Hayden, Kelly, Linbeck, McGrew,
Mooney, Mart, Quinn, Shumaker, Wright,
Mr Speaker,

Mrs J W Goodenough,

Las - Animas -
Noves - One -

"So the Bill passed."

The following messages were received
from the Council -

Council Chamber
Bosai City

December 31st 1868 -

Mr Speaker, I am instructed to inform
your Honorable Body that, the Council
has had under consideration and passed
H. B. No 8 - "An Act to change the name of
S. N. Bayard to S. N. Bernard."

Also that, the
Council, has adopted H. M. W. 1, asking
Congress to repeal an Act placing Idaho
and Montana, under our Indian
Superintendency.

Also that, the Council
has concurred in C. C. R. No 3 - Relative to
Printing of Bills - And H. C. R. W. 4,
Relative to appropriation for printing &c.
All of which is herewith transmitted.

Also that, in accordance with C. C.
R. W. 8, as to a joint Committee to advise
and report on Revenue Law, Messrs Palmer
and Anderson have been appointed on the
part of the Council.

J. Christie,
Secretary of the Council

Council Chamber
Brisi City.

December 21st 1868.

Mr Speaker,

I am instructed to inform your Honorable Body, that, the Council has had under consideration, and adopted C. C. R. No. 11, requesting the Governor to forward certified copies of Memorials to Washington &c, which is herewith transmitted and the concurrence of the House of Representatives, solicited therein.

J. Wislitz

Secretary of the Council

C. C. R. No. 11 - Relative to forwarding Memorials &c, by the Governor, was read and adopted.

Mr May, introduced the following Resolution, which was adopted -

Resolved that, the House tender thanks to the Band of musicians, who were kind enough to assist in the services of the burial of our late Sergeant-at-Arms.

On Motion of Mr Simbeck, the House took a recess until 2 o'clock P.M.

Two O'clock P.M.

House assembled - Speaker in the Chair
Roll Called in Parum present -

On Motion of Mr. Hunt, the House
resolved itself into Committee of the Whole
on C.B. No. 3 -

Mr. Kelly in the Chair -
The Committee arose, and reported the
Bill back to the House, recommending
its passage.

C.B. No. 3 - An Act to
amend an Act providing for the appointments
of Probationers Public - Read Third Time
and on the Question "Shall the Bill pass?"
the Yeas and Nays were called.

Am. Digest

Yea, Messrs. Bell, Callaway, Campbell,
Cannon, Jones, Goodenough, Goulden,
Hunt, Kirby, Kussman, Hayden,
Kelly, Linbeck, McLean, Mooney, Ward,
Cannon, Stinson, Ke, Wright, Mr. Speaker,

Yea - Aye -
Nay - A.

"So the Bill passed -

Mr. Quinn, on leave introduced without notice H.B. No 13.

An Act providing a County Seal, and making the County Clerk, Clerk of the Probate Court.

Read First and Second times and referred to the Committee on Judiciary.

On Motion of Mr. Campbell, the vote refusing to engross H.B. No 11, was reconsidered, and the Bill ordered Engrossed.

Mr. Goodenough from the Committee on Enrolled Bills, offered the following Report:

Mr Speaker, The Committee on Enrolled Bills, have carefully examined, and find correctly Enrolled House Memorial No. 2 -

Memorializing Congress for an appropriation to survey the Boundaries of the Nez Percé Indian Agency, originated in the House of Representatives of the Legislative Assembly of the Territory of Idaho, Fifth Session thereof.

A. Goodenough

Chairman

An Motion of Mr. W. Green, H.B. No 10, was made the Special order for Friday 2 o'clock P.M.

Mr. Whit, gave the following Notice -

Mr Speaker, I hereby give notice that, I will to morrow introduce a Bill to Amend an Act Creating Offices in the Territory of Idaho &c - And the manner of filling vacancies.

Court

Mr Wright, gave the following notice

Mr Speaker, I hereby notify the House
that on tomorrow or soon after I will introduce
a Bill relative to the time of holding Elections,

Wright

On motion of Mr Callaway, the House
adjourned till December 22^d at 11 A.M.

Wm. D. Ayres
Chief Clerk E. T. Beatty
Spoked

Wentworth Day.

House of Representatives
Boise City

December 22nd 1868.

House met pursuant to adjournment.

Speaker in the Chair.
Roll Called.

All present.

Journal of December 21st read and approved.

Mr. McGrew, from the Committee on Engrossed Bills offered the following Report -

Mr. Speaker, The Committee on Engrossed Bills to whom was referred H. R. 2112 "An Act to repeal an Act authorizing J. L. Tinner and his associates to maintain a Boom across Boise River &c."

Have examined the same, and found it correctly Engrossed, and herewith transmit it to the Clerk of this House.

McGrew

Chairman

Mr. Hunt, introduced H. R. 2114.

"An Act to Amend an Act creating Offices in Territory of Idaho &c."

Read First and Second Times, and referred to Committee on Judiciary.

Mr Sumner, introduced H. R. No. 15
 "An Act in relation to Trails, Wagon Roads, and
 Bridges." Read First and Second times, and
 on Motion of Mr Campbell was referred to a Select
 Committee of five.

On Motion of Mr Hunt, the House then
 proceeded to the election of a Sergeant-at-Arms.

Jeff Howell was placed in nomination
 by Mr McHenry. The Roll being called,
 Jeff Howell, secured Majority votes,
 Absent One.

Jeff Howell, was then declared duly
 elected Sergeant-at-Arms of the Lower House.

On Motion of Mr Linbeck the following
 Committee, consisting of Messrs. Linbeck, Marx
 and Sumner, was appointed to wait on Mr Howell
 and inform him of his election.

Mr Howell, appeared and was sworn in by
 the Speaker.

On Motion of Mr Linbeck the House took
 a recess till 2 o'clock P. M.

2
Two O'clock P.M.

House assembled and Speaker in the Chair -
Roll Called - Quorum Present -

On Motion of Mr. Critter, the House resolved itself into Committee of the Whole on H. B. No. 13 -

Mr. Critter in the Chair -

The Committee of the Whole, arose, and reported the Bill back to the House, recommending that it be made the Special order for Saturday at 2 o'clock, which on Motion was adopted.

Mr. Hunt, from Committee on Judiciary, offered the following Report -

Mr. Speaker, Your Committee to whom was referred H. B. No. 13 - "An Act to provide County Seals, and making the County Clerks, Clerks of the Probate Court, have had the same under consideration, and would refer the same back to the House, and recommend its passage.

Hunt

Chairman Committee

Mr Speaker, Your Committee to whom was
referred Council Bill, No. 10 - "Concerning an
Act defining time that Statutes and Joint
Resolutions shall go into effect, have had
the same under consideration, and would
report the same back to the House, and
recommend its passage.

Wm. A. Smith
Chairman Committee

On Motion of Mr. Linbeck, the House
then adjourned to meet on December 23^d
at 11 A. M.

Wm. A. Smith
Chief Clerk E. F. Beatty
Spoked

Spencer Ray

House of Representatives
Boise City

December 23rd 1868.

House met pursuant to adjournment -

Speaker in the Chair.

Roll Called -

All present -

Journal of December 22nd read and approved -

Mr. Goodenough, on leave introduced H. B. No. 16 -
"An Act to amend an Act levying a Tax of
One per Cent of the gross proceeds of Toll Roads
Bridges in the Territory &c"

Read First and Second
Times, and on Motion Laid on the Table -

Mr. Hunt, from the Committee on Judiciary
afforded the following Report -

Mr. Speaker, I have the honor to inform you
that the Committee on Judiciary
to whom was referred Senate Joint Resolution
No. 11 - "Requesting the Repeal of Certain Laws
of Taxation in Idaho and Montana Territories,"

Have had the same under consideration,
and as it appears to be of great importance,
and as it is that the same be considered in
Committee of the Whole &c

and as the Resolution is of great importance,
and as it is that the same be considered in
Committee of the Whole &c

The rights of those who may wish to hold business intercourse with the Citizens of this Territory should not be unlawfully taxed, while we think that, the laws of this Territory should not be so lax as to allow any to escape paying their just proportion of the revenue, since they seek to profit by such business intercourse.

Wm. A. Smith

Chairman

The following Message was received from the Council -

Council Chamber

Wm. A. Smith

December 21st 1868

Mr. Speaker,

I am instructed to inform your Honorable Body that the Council has had under consideration, and has concurred in H.C.R. No. 2 Appointing Joint Committee to select site for Territorial Prison, which is herewith transmitted.

And that Mr. J. C. Cresson and Allen have been appointed on the part of the Council on such Committee.

Also that the Council has had under consideration N.B.H.F. organizing Lehigh County, and has amended same by adding and passed such bill as amended - which is herewith returned to the House for their consideration

J. Smith

Secretary of the Council

H. B. No 10 - "An Act fixing the time for Acts and Joint Resolutions to take effect -
Read Third time, and on the question
"Shall the Bill pass? the Yeas and Nays were
called -

[Signature]

Yea -
Messrs. Bell, Callaway, Campbell, Catlin,
Foye, Goodenough, Goulden, Hunt, Bailey,
Husman, Hayden, Linbeck, Mr. Gen. Morney,
Mann, Quinn, Shumaker, Wright, Mr. Speaker -

Yeas - Nineteen

Nays - 0.

Absent - Mr. Kelly -

"So the Bill passed -"

H. B. No 11 - "An Act, creating and
organizing the County of Leamhi, returned from
the Council with amendment -

On Motion of Mr. Linbeck, a Call of
the House was ordered - Roll Called -
Absent Mr. Kelly -

The Sergeant at Arms was
instructed to arrest Mr. Kelly, and bring
him to the Bar of the House -

Mr. Kelly appeared
and having made his excuse, his excuse was
accepted.

On Motion, the House refused to
concur in Council Amendment to H. B. No 11 -

H. B. No 12 - Was ordered Engrossed

H. B. No 13 - Was ordered Engrossed

On Motion of Mr Campbell, the House resolved itself into Committee of the Whole, on Senate Joint Resolution of Oregon, relative to the repeal of certain laws in regard to taxation.

Mr Campbell in the Chair.

The Committee arose and reported progress.

On Motion of Mr Hunt, the resolution was laid on the table.

The Speaker appointed

Mr Kelly, Mr Green, and Wright, on the part of the House, to select a site for Territorial Prison.

Mr Thompson in leave withdrawn H B No 15.

On Motion of Mr McGraw, the House took a recess till 2 o'clock P. M.

Two O'clock P. M.

House re-assembled - Speaker in the Chair.

Roll Called - Curran Present.

On Motion of Mr Hunt, the House resolved itself into Committee of the Whole on C. M. No 2.

Mr Hunt, in the Chair.

The Committee arose and reported the Bill back to the House, recommending its passage.

C. M. W. 2 - "Memorializing Congress for an appropriation for an Indian Reservation in and around Fort Hall."

Read Third time, and on the question "Shall the Memorial pass?", the Yeas and Nays were called on.

~~Yeas -~~

Yeas, Messrs. Bell, Callaway, Campbell, Foye, Goodenough, Goulden, Hunt, Hurd, Hunsman, Hayden, McGowan, Mooney, Ward, Shumaker, Wright, Mr. Speaker.

Noes, Messrs. Cullen, Kelly, Linbeck, Quinn.

Yeas - Sixteen -

Noes - Four -

"So the Memorial Passed"

On Motion of Mr. Goodenough, the House adjourned until December 24th at 11 A.M.

Henry J. Payne
Clerk E. J. Beatty, Speaker

Eighteenth Day -

93

House of Representatives

Boise City,

December 24th 1868.

House met pursuant to adjournment
Speaker in the Chair - Roll Called - All present
Journal of December 23^d read and Approved
Mr Campbell gave the following notice,

Mr Speaker,

~~The Committee on Enrolled~~
I give notice that, at an early day I will
introduce a Bill, for "An Act Amending of An
Act" concerning Roads, Highways, Trails and
Public Thoroughfares -

Mr McMen, from the Committee on Enrolled
Bills, offered the following Report -

Mr Speaker,

The Committee on Enrolled
Bills to whom was referred H. B. No. 13 "An
Act to provide for County Seats, and making
the County Clerks, Clerks of the Probate Courts
Also H. B. No. 9 "An Act to provide
for the disposition of town property on lots in
the Towns and Cities of Idaho Territory -

I have examined the same, and found
the same correctly Enrolled, and herewith
transmit them to the Clerk of this House -

J. W. McMen

Chairman

Mr Hart from the Committee on Judiciary
offered the following Report -

Mr Speaker, Your Committee
to whom was referred H. B. No 14. "An
Act to Amend An Act, creating Offices in
the Territory of Idaho &c, and filling vacancies
would ask to refer the same back to the
House, with an Amendment thereto by
substituting therefor, another Bill as attached
thereto.

Hart
Chairman Committee

Mr Hart, from the Ada County Delegation
offered the following Report -

Mr Speaker, Your Committee the Ada
County delegation, to whom was referred An
Act for the Relief of A. Haas, late Assessor of
Ada County, Idaho Territory - Beg leave to
refer the same back to the House with Amendments
as they are attached to the Bill; and would
ask that, the Bill receive your favorable
consideration - And pass as amended -

Your Committee have had the
Bill under consideration, and find that,
A. Haas, received Warrant No 570, for services
as Assessor in 1867, and received said
Warrant on the Treasury, under Section 92
of the Revenue Act, and we find that Warrant
No 569 - was drawn in favor of A. W. Flannery
for services rendered the County of Ada, as
Auditor -

Both of these Warrants were
drawn on the County Treasurer, without
specifying which fund they should be
paid from - Now, the County Treasurer
has two funds, the General, and the
Forty-Five per Cent fund. -

Ada County

And the Treasurer refuses to register or pay either of the Warrants from the Special Funds and finally so; - We think the relief should be granted, for the reason that, the Warrants are of no value to the Holders, for they are drawing no interest from the County, and the Treasury is not compelled to pay the same.

Our Committee find that, the several Counties of this Territory, make their Assessors and Auditors, preferred Creditors, under Section 92, of the Revenue Act, by paying them out of the monies of the Treasury before the money is apportioned to the several funds.

Thos B. Hunt

J. H. Callaway.

J. B. Wright.

The following Message was received from the Council:

Cornel Chamber

Pres. City.

December 23^d 1848.

Mr. Speaker,

I am instructed to inform your Honorable Body that, the "Revenue" has had under consideration and passed Substitute for C. B. No. 14 - "An Act to provide for the payment of Counsel in Revenue Cases."

C. B. No. 15 - "An Act to amend the Act in relation to the duties of County Commissioners of Nevada County." - C. B. No. 16 to amend the Act concerning Crimes & Punishments.

No. 17. No. 18 - "An Act to amend the Act in the subjects of Sheep - Cattle and Ungulate Stock &c."

H. B. No. 14 - "An Act to amend the Act for the protection of Game in Ada County, and also that, the Council has adopted H. B. No. 14. The passage of an Act in Congress, concerning a Branch Rail Road."

Also that, the Council has had under consideration H. B. No. 2 - "An Act to authorize C. Benson, C. Martin, and others to construct and maintain a Bed Rock Flume in Chapin's Creek, and refused to pass the same - All of which are herewith transmitted."

Also that, in accordance with C. C. R. No. 6, Messrs. Vance and Cusick have been appointed on the part of the Council to act with a like Committee on the part of the House.

J. C. Cusick

Secretary of the Council

Mr. Linbeck, on leave introduced H. B. No. 17 - "An Act to Amend an Act, incorporating the South Boise Traction Road Co."

Read First and Second Times and referred to the Affairs Committee

Mr. Callaway, on leave, introduced H. B. No. 18 - "An Act to Amend an Act relating to Elections"

Read First and Second Times, and referred to the Committee on Elections -

H. B. No. 19 - "An Act for the relief of A. Haas"

Reported back with Amendments Amendments Adopted

And on the Question "Shall the Bill pass?" the Yeas and Nays were called.

Jan. ~~1887~~

Rep. Bill, Callaway, Campbell, Carter, Foye, Goodenough, Fuller, Hart, Stanley, Wusman, Hayden, Linbeck, McGinn, Moomy, Mary Quinn, Summatta Wright, McSpencer

Apr. Mr. Kelly -

Jan. Motion

Apr. One -

So the Bill passed in

C. P. No. 11 - Relative to Appropriation for Rail Road -

Read First and Second times - Rule suspended - Read Third time and on Motion made the Special Order for Tuesday at 2 o'clock.

C. P. No. 11 - "An Act to Amend an Act concerning Crime and Punishment" Read First and Second times and referred to Committee on Judiciary

C. P. No. 15 - "An Act to Amend an Act entitled an Act, relating to the duties of the County Commissioners of Lincoln County" Read First and Second times and referred to Committee on Judiciary

Council Substitute for C. B. No. 9 -
 "An Act to provide for the payment of Council
 necessarily employed in defending Revenue
 Cases - Read First and Second Times, and
 referred to Committee on Judiciary.

Council Substitute to H. B. No. 14 -
 "An Act Amending An Act creating the
 Board of County Commissioners of Ada
 County, Read First and Second Times,
 and referred to the Committee on County
 and County Boundaries.

H. B. No. 9 and 13 - ordered printed.

The following Communication was read -

Fort Boise - I. T.

December 23^d 1868.

The Members of 1st & 2^d Infantry, take
 pleasure in inviting the Members of the 2^d House
 of Legislature to an Evening Entertainment
 which will take place at their Company
 Quarters, on the evening of the 25th inst -
 Performance to commence at 7 o'clock -

On Motion the invitation was accepted.

Mr. Henderson, from the Committee on
 Enrolled Bills offered the following Report

Where Bill No. 8 -

Mr. Speaker, The Committee
 on Enrolled Bills, have carefully examined
 and find it is only Enrolled House Bill No. 8.
 to change the name of J. H. Russell to J. H. Bernard.

On Motion of Mr W Green the House
 for a recess till 2 o'clock P.M.

2 o'clock P.M.

House assembled - Speaker in the Chair.

Roll Called - Quorum present.

On Motion a Call of the House was
 ordered - Absent - Messrs Callaway,
 Topeka, Goddard, Stanley, Houseman,
 Haysden, McLean, Morony and May.

The Sergeant-at-Arms was instructed
 to arrest and bring in the Absentees.

The Absentees appeared, and offered
 their excuses, which on Motion was accepted.

The following Message was received from
 the Council

Council Chamber,
 Boise City

December 24th 1868.

Mr Speaker, I am instructed to inform
 you Honorable Body that the Council

Has had under consideration, Council Amendment to House Bill No. 1 - Creating and organizing the County of Lemhi, and that, the Council adheres to the Amendment.

Also that, Messrs. Audumon, Dudley, and Howard, have been appointed a Committee of Conference on the part of the Council; And request the appointment of a similar Committee on the part of the House, on House Bill No. 1 - aforesaid.

Also that, the Council has adopted Council Concurrent Resolution No. 10 - for a Special Committee to examine into the Affairs of the Office of Territorial Controller and Treasurer - which is herewith transmitted.

J. Austin

Secretary of the

Mr. Callaway introduced H. B. No. 5 - Inviting Col. J. A. Hudsonett, Chief Engineer U. S. R. R., to address the two Houses on Rail Road matters.

Which was read and adopted.

On Motion of Mr. Cutler, the House took up H. B. No. 10, which had been made the Special order for Friday at 2 o'clock.

H. B. No. 10 of "An Act to repeal an Act authorizing J. L. Tiner, and Associates to construct and maintain a Dam on Boise River."

After some debate, the yeas were ordered for the previous question, declared by Messrs. Goulden, Campbell and Merriam - which motion was lost.

On the Question "Shall the Bill be indefinitely postponed?" - The Yeas and Nays were called

~~Mr. Speaker~~

Yeas - Mr. Bell, Callaway, Campbell, Cullin, Forge, Gordenough, Hark, Harkley, Kelly, Linnbeck, McGowan, Moroney, Marx, Wright, Mr. Speaker -

Nays - Mr. Callaway, Campbell, Forge, Gordenough, Gordin, Harkman, Hayden, Quinn, Shumaker -

Yeas - Oliver

Nays - None

So the Bill was indefinitely postponed

The following Message was received from the Council

Council Chamber
Bosi City

December 24th 1868.

Mr. Speaker,

I am instructed to inform your Honorable Body that, the Council has had under consideration and adopted H.C.R. No. 5 - inviting J. Q. Woodruff of the U.P.R.R. to address the two Houses in Joint Convention on Rail Road Matters, which is herewith returned

J. Winslow
Secretary of Council

On motion the following Committee consisting of Messrs. Kelly, Callaway, and Goulden, was appointed to wait on Col. Hammond, and inform him of the action of the two Houses -

The Speaker appointed Messrs. Kelly, Callier and Goulden, as a Committee ^{of the House} of the House, to report as to codifying the laws

C. C. R. No. 10 - Relative to the appointment of a Joint Committee to examine into the Territorial Treasurers and Controllers' accounts -
Read and Adopted -

The Speaker appointed as such Committee on the part of the House,
Messrs. Joyce and Bell

The Speaker appointed as a Committee of Conference on H. B. No. 1 -
Messrs. McLean, Kelly and Callier

Mr. Linbeck, was granted leave of absence till Saturday 2 o'clock P.M.

On motion the House adjourned till December 25th at 11 A.M.

Henry D. Payne
Clerk

E. F. Beatty
Speaker

Twelfth Day

House of Representatives
Basis City

December 25th 1878.

House met pursuant to adjournment.

Speaker in the Chair, Roll called.

Quorum present.

Mr Callaway from the Committee appointed to wait on Col. Hudnut offered the following Report:

Mr Speaker, Your Special Committee to wait on Col. Hudnut, Chief Engineer of the Union Pacific Rail Road, and invite him to meet the two Houses of the State Legislature in Joint Convention, have performed said duty, and would report that Col. Hudnut will be pleased to meet the Convention at such time as they may designate.

Callaway

On motion the time fixed for meeting Col. Hudnut in Joint Convention, was Saturday at 11 A.M.

On Motion the Rules were suspended,
and the House adjourned to meet at
10 o'clock A. M. Saturday 24th inst.

Henry J. Land
Chief Clerk E. T. Beatty
Speaker

Twelfth Day

House of Representatives
Bris City

December 26th 1868

House met pursuant to adjournment

Speaker in the Chair - Roll Called

Journal of December 24th read and approved
Journal of December 25th read and approved

Mr. Frey, from the Committee on Elections
made the following Report -

Mr. Speaker, Your Committee to whom
was referred H. B. No 18. report that, They
have had said Bill under consideration
and recommend its amendment as by
attached viduo

Frey -

Chairman

Mr. Cant, from the Judiciary Committee
offered the following Report.

Mr. Speaker,
Your Committee on Judiciary to whom was
referred, Council Bill No 16, have had the
same under consideration, and would ask leave
to refer the same back to the House and recommend
its passage.

Cant
Chairman Committee

Mr. Goddough, from the Enrolling Commission offered the following Report,

Mr. Speaker, The Commission enrolled Bills have carefully examined and find correctly Enrolled House Bill No. 4 - "To Amend an Act for the protection of Game in Ada County."

A. Goddough

Chairman

Mr. Shumaker, introduced the following Resolution, which was read and adopted -

Resolved that, the Secretary of the Territory be requested to furnish this House, with a copy of the Laws of the Second and Third Sessions of the Legislature of this Territory -

Shumaker -

H. B. No. 18 - "An Act to Amend an Act, relative to Elections, reported back with Amendments -

Amendments Adopted, and ordered Enrolled -

H. B. No. 16 - "An Act to Amend an Act, concerning Crimes and Punishments -

Read Third time, and on the Question "Shall the Bill pass?" the Yeas and Nays were called -

Yeas 20 Nays 10

Yea, Messrs. Bell, Callaway, Campbell, Cazier, Coye, Goddough, Goulden, Hawk, Harley, Humes,

Hayden, McGrew, Moody, Mart, Quinn
Shumaker, Wright, Mr. Speaker,

About, Mr. Kelly & Linbeck -

Jan - Eighteen

Page - 3 -

"So the Bill passed" -

The following message was received from the
Council -

Council Chamber

Peri City

December 26, 1868.

Mr. Speaker,

I am instructed to inform you
Honorable Body, that the Council has had
accepted the invitation to meet the House of
Representatives in Joint Convention at 11 o'clock
A. M. to receive the address of Col. F. O. Johnson
of U. S. R. R. on Rail Road matters -

J. Amistie

Secretary of the Council

The Hon. Rufus announced the President
and Members of the Council at the 13th
of the House

In Joint Convention

Roll Called - Absent Mr Linbeck

Co. H. Hudnutt, Chief Engineer U.S.P.R.R. appeared before the Joint Convention, and delivered an Address on Rail Road Matters -

On Motion of Mr Dudley of the Council the thanks of the Joint Convention were tendered to Co. H. Hudnutt, for his able and appropriate address.

On Motion of Mr Anderson of the Council, the Convention then dissolved -

House re-assembled - Speaker in the Chair -

On Motion the House then adjourned till Monday December 28th at 11-A.M.

Henry J. Caird
Chief Clerk, E. J. Beatty
Speaker!

Twenty Second Day

House of Representatives
Iowa City

December 28th 1848

House met pursuant to adjournment
Speaker in the Chair - Roll Called -

All present

Journal of December 26th read, amended,
and approved as amended -

Mr. Givins, gave the following Notice -

Mr. Speaker, I

as Member of the House
to introduce on an early day, An Act entitled
An Act to change the name of DeWitt County,
Iowa District, to DeWitt County, Iowa. And
that, this new name shall be hereinafter in
the future, under the name and title of Boyd
County, named after one of its first settlers.

J. J. Givins

The following Message was received from
the Governor,

Executive Department

Territory of Idaho Territory

December 21st 1848.

To Hon C. J. Beatty
Speaker of House
Idaho Legislature

Sir, I have the honor to
return herewith, House Bills No 3 4 & 8,
which I have approved and signed.
Also House Memorial No 2, which
I have signed.

Very Respectfully

John P. Smith

G. W. Ballard

Governor of Idaho Territory

Mr W. Allen, from the Committee on Enrolled
Bills, offered the following Report -

Mr Speaker,

The Committee on Enrolled
Bills to whom was referred H. B. No 18 - "An Act
to Amend an Act in relation to Elections, approved
Sept 17th 1844, and amended, and approved
January 7th 1847; have examined the same
and found it correctly engrossed, and herewith
transmit it to the Clerk of the House.

W. Allen

(Chairman)

Mr W. C. Green, from the Committee on Counties and County Boundaries offered the following Report

Mr Speaker, The Committee on Counties and County Boundaries to whom was referred H. B. Substitute No. 14 - "An Act to Amend an Act creating Offices in the Territory of Idaho, and filling vacancies - Have had the same under consideration, and recommend its passage.

W. C. Green

Chairman

Mr Gardnough, from the Committee on Enrolled Bills, offered the following Report,

Mr Speaker, The Committee on Enrolled Bills, have examined and found Correct Enrolled H. B. No. 12. "Memorializing Congress for an Act for protection to survey the boundaries of 'Big Lost' Indian Agency.

Also H. B. No. 3. "An Act to Amend an Act to protect Shupe and Umana, and Cushman from a criminal charge of Rape.

Also H. B. No. 8 "An Act to change the name of J. H. Board to J. H. Board

Also H. B. No. 4 "An Act to repeal an Act for the protection of Game in Ada County, and on the 26th day of December 1868 at 2 o'clock P. M., presented them all to the Governor for his approval.

C. J. Gardnough

Chairman

Mr. Vest, from the Committee on Judiciary
reported the following Reports -

Mr. Speaker, from Committee on Judiciary to
whom was referred C.B. No. 15 - "Concerning an
Act to repeal an Act entitled an Act in relation
to the duties of the County Commissioners of Milled
County, Idaho Territory, have had the same
under consideration; and would recommend to
report the same back to the House, and ask
that the same pass, as the Act is a nullity
and strike the same from the Statutes of this
Territory is a waste of time.

Wm. Vest

Chairman Committee

Mr. Speaker, from Committee on Judiciary to
whom was referred C.B. No. 9 - have had the same
under consideration, and report the same back
to the House, and recommend its passage.

Wm. Vest

Chairman Committee

Mr. Vest, from the Committee on Printing
reported the following Report -
Mr. Speaker,
from Committee on Printing to whom was
referred H.B. No. 11, and S.B. No. 13 - have
performed their printing, and returned the same
to the printer at same as distributed and have the
return of the originals.

Wm. Vest

Chairman

The following Message was received from
the Council

Council Chamber

Bowling Green

December 28th 1868.

Mr. Speaker, I am directed to inform you
Honorable Body, that, the Council has had
under consideration, and passed C.B. 18-
"An Act to Amend Section 583 of the Civil
Practice Act" (Enacted) Commission of
Bowling Green, and to be a Special
Jury, (Approved January 12th A.D. 1866, which
is herewith transmitted.

J. H. H. H.

Secretary of the Council

Mr. Wright, on Jan. 12th 1869
"An Act to Amend Section 583 of the Civil
Practice Act"

Read and approved by the Committee on Judiciary

W. B. 1868. Reported to the Council

The following Message was received from the
Council

Council Chamber

Bowling Green

December 28th 1868.

Mr. Speaker, I am directed to inform
you Honorable Body, that, the Council has
under consideration, and passed C.B.
18- "An Act Concerning, Sentence of Imprisonment
and Sentence of Imprisonment" (Which
is herewith transmitted.

J. H. H. H.
Secretary of the Council

H. B. No. 9 - "An Act to provide for the
disposition of Town Lots &c" Read Third time.
On motion of Mr Wright, the vote on passing
the Bill Engrossed was reconsidered.

On motion of Mr Cullen, the Bill was committed
to a Select Committee consisting of Messrs Wright,
Clark and Campbell -

H. B. No. 13 - "An Act to provide for a County
Seal, and making the County Clerks, Clerks
of the Probate Court -" Read Third time, and
on the question "Shall the Bill pass?", the Yeas
and Nays were called.

Yeas -
Messrs. Campbell, Cullen, Hays, Kelly,
Linbeck, McGee, Morrey, Quinn, Shoemaker,
Wright, Mr. Speaker, Forge -

Nays -
Messrs. Bell, Cullaway, Goodenough,
Houlden, Hart, Harley, Hurreman, Marx

Yeas - Twelve -
Nays - Eight -
"So the Bill passed" -

C. B. No. 15 - "An Act to amend an Act entitled an Act relating to the duties of the County Commissioners of Pineda County" -

Read Third time, and on the question "Shall the Bill pass?" the Yeas and Nays were called.

[Signature]

Yeas; Messrs. Bell, Callaway, Campbell, Carter, Forge, Gorman, Goulden, Hunt, Bailey, Crossman, Hayden, Kelly, Linbeck, McGowan, Morrey, Marx, Quinn, Shremaker, Wright, Mr. Speaker,

Nays - Twenty -
Ayes - 0 -

"So the Bill passed" -

Substitute for C. B. No. 14 - On Motion was made the Special order for Thursday at 2 o'clock.

The following Message was received from the Council.

Council Chamber

Fort City

December 28th 1878.

Mr. Speaker,

Am instructed to inform your Honorable Body that, the Council has had under consideration and passed to Substitute for C. B. No. 21 "An Act to authorize the Territorial Commissioners to transfer certain moneys for the payment of the salaries and salaries of the Legislative Assembly" - which is herewith transmitted.

J. A. Miller
Secretary of the Council

C. B. No. 18 - "An Act to Amend An Act, entitled An Act to authorize the County Commissioners of Boise County to levy and collect a Special Tax &c."

Read First and Second times, and on Motion referred to the Judiciary Committee -

C. B. No. 14 - "An Act concerning persons in custody under sentence of imprisonment &c -"

Read First and Second times and referred to the Judiciary Committee -

Substitute to C. B. 21 - "An Act to authorize the Territorial Treasurer to transfer certain monies"

Read First and Second times, Rules Suspended, Read Third time, and on the question "Shall the Bill pass?", the Yeas and Nays were called -

~~C. B. No. 21~~

Yeas - Messrs. Bell, Callaway, Campbell, Critten, Fogg, Goddough, Goats, Harney, Hayden, Kelley, McGraw, Moroney, Marx, Thormaker, Mr. Speaker,

Nays - Messrs. Hunt, Luciman, Linbeck, Quinn, and Wright.

Yeas - Fifteen

Nays - Five -

"So the Bill passed" -

On Motion H.B. No. 16 - Was taken from
the Table for consideration - Read second time
and referred to the Judiciary Committee -

On Motion the House took a recess till
2 o'clock P.M.

Two O'clock P.M.

House re-assembled - Speaker in the Chair -
Roll Called - Quorum present -

On Motion of Mr. Kelly, the House adjourned
until December 29th at 11 A.M.

Henry H. Payne

Chief Clerk

E. T. Beatty

Speaker

Twenty Third Day.

House of Representatives
Boric City

December 29th 1868.

House met pursuant to adjournment -
Speaker in the Chair - Roll Called -
All present -

Journal of December 28th read and approved.

Mr Hunt, from the Committee on Judiciary
offered the following Reports,

Mr Speaker, (from Committee on Judiciary
to whom was referred House Bill 4571, which
had the same under consideration, and ask
leave to refer the same back to the House, with
amendments attached thereto, and ask that
the same pass as amended -

Hunt -

Hayden -

Majority Report -

Mr Speaker, from Committee on Judiciary
to whom was referred Council Bill No 18 -
"An Act to Amend An Act entitled An Act to
authorize the County Commissioners of Boone
County to levy and collect a Special Tax
Approved January 12th 1866." have had the
same under consideration, and now have to
refer the same back to the House and recommend
that the same pass - from Committee think
that the warrants issued subsequent to 1866,
and the revenue collected should all be
treated alike that, if there exists any burdens
the same should be shared alike -

The Amendment asked in the Bill
is to place the warrants issued subsequent
to 1866 to 1869, and the fund created by the
Special Tax on the same base as the money
and the warrants issued prior to 1866 -

Went -

Chairman Committee

Mr Linbeck, from the Altman Delegation
offered the following Report -

Mr Speaker,
from Committee to whom was referred
House Bill No. 17, would respectfully
report that, they have had the same
under consideration, and recommend
its passage as amended -

Lewis Linbeck -
Meredith Kelly -

Mr Linbeck on leave, introduced H.B. No. 20 "An Act to Amend An Act, relating to Quartz Claims" ~ Read First and Second Times, and referred to the Committee on Mines and Mining. ~

Mr Quinn, introduced H.B. No. 21 - "An Act to change the name of Poyah City to Boyd City" ~ Read First and Second Times, and referred to the Judiciary Committee ~

Mr Beatty on leave, introduced H.B. No. 24 - "Memorializing Congress for a Mail Route from Bamuck City to Lemhi" ~ Read First and Second Times, Rules Suspended, Considered Engrossed ~ Read Third Time, And on the Question "shall the Memorial pass," the Yeas and Nays were called ~

~~Wm. H. Smith~~

Yeas; Nays. Bell, Callaway, Campbell, Carter, Fager, Goddough, Goulden, Hunt, Knolly, Kousman, Hayden, Kelly, Linbeck, McGraw, Moore, Muir, Quinn, Shumaker, Wright, Mr Speaker,

Yeas - Twenty -
Nays - One -

"So the Memorial passed" ~

Substitute to C. B. No. 9 - "Providing for the payment of Counsel necessarily employed in Revenue Cases -"

Read Third time and on the question "Shall the Bill Pass?", the Yeas and Nays were called -

A. B. Beck

Yeas, Messrs. Bell, Callaway, Campbell, Hoge, Goodenough, Hunt, Bailey, Hush-
-man, Bayard, Kelly, Linbeck, Mr. Green,
Nesney, Mark Quinn, Wright, and
Mr. Speaker,

Nays, Messrs. Curtis, Goulden, Shumaker,

Yeas - Seventeen
Nays - Three

"So the Bill Passed -"

C. B. No. 18 - "An Act Amending An Act, authorizing the Board of County Commissioners of Erie County to levy and collect a Special Tax,"

Notice to read the Bill printed and made the Special order for Saturday - Was Lost -

On Motion the House adjourned till Wednesday 30th at 11 A.M.

James A. Baird
and *Cent* *& Beatty* *Speakers*

Twenty Fourth Day

House of Representatives
Bong City
December 30th 1868

House met pursuant to adjournment
Speaker in the Chair - Roll - Called
All present -

Journal of December 29th read and approved.

Mr Kelly gave the following Notice

Mr Speaker I hereby give notice that
on Saturday I will introduce a Bill entitled
An act entitled an act defining the time of
commencing Civil actions.

C Kelly -

Mr Butler, from the Committee on Printing
offered the following Report

Mr Speaker

Your Committee on Printing to whom was
referred H. R. 418, beg leave to report the
same back to the House correctly printed -

John Butler

Chairman

Mr Campbell from the Committee on Mines and Mining, offered the following Report.

Mr Speaker, Your Committee on Mining Affairs to whom was referred House Bill No. 20, would respectfully represent that we have had the said Bill under consideration, and beg leave to report the same back to the House recommending its passage.

P. Campbell

Chairman

Mr Hunt, from the Committee on Judiciary, offered the following Report.

Mr Speaker,

Your Committee on Judiciary to whom was referred H. B. No. 19, have had the same under consideration, and refer the same back to the House, and recommend its passage.

Hunt

Chairman

Mr Speaker, Your Committee on Judiciary to whom was referred H. B. No. 21, Concerning an Act to change the name of Pryor City, Douglas County, I. T., have had the same under consideration, and would refer the same back to the House, and ask that the same be referred to the Committee of the Whole.

Hunt

Chairman of Committee

The following Message was received from the Council:

Council Chamber

Bris City -

December 31st 1868.

Mr Speaker,

I am instructed to inform your Honorable Body that, the Council has had under consideration, and Adopted H. R. No 4 praying for the establishment of certain Mail Routes - which is herewith transmitted.

J. A. Ainslie

Secretary of the Council.

Mr Hunt on leave, introduced Substitute for H. R. No 9 - "An Act to provide for the disposition of Town Lands &c -"

Substitute Adopted - Read First and Second times, and referred to the Committee on Ways and Means.

Mr Callaway, on leave introduced H. R. No 22 "An Act to re-appoint the Members of the Legislature -" Read First and Second times and referred to the Committee on Elections.

H. R. No 18 - Was taken up for consideration. Mr Miller moved that the Bill be made the Special Order for Saturday at 2 o'clock, Mr Mart offered an Amendment making it the Special Order for today at 2 o'clock.

On the question shall the Amendment be adopted
the yeas and nays were called for by Mr. Bell
Gordonough and Humman resulting as follows—

Yeas. M^{rs}. Bell, Callaway, Carter, Gordonough,
Hunt, Humman, Hayden, Linbeck, Morrey,
Marx, Wright

Nays. M^{rs}. Campbell, Forge, Goulden,
Harley, Kelly, Quinn, Shoemaker, Mr. Speaker

Yeas — Eleven —

Nays — Eight

Absent — Mr. McGraw

So the Amendment was adopted, and the Bill
made the Special order for to day at 2 P.M.

14. B. C. 18. "The A. S. A. Amends Our Act Relative
to Elections"

That I think time, and on the question
to bring the Bill over the yeas and nays were called.

Mr. Bell

Yeas
M^{rs}. Bell, Callaway, Campbell, Forge,
Goulden, Hunt, Harley, Humman, Hayden, Kelly,
Linbeck, Morrey, Marx, Quinn, Shoemaker,
Wright, Mr. Speaker

Absent Voting M^{rs}. — Carter and Gordonough

Absent. Mr. McGraw

Yeas — Eleven —

Nays — 0
So the Bill passed

H. B. No 21 - Was ordered Engrossed -
 H. B. No 19 - Was ordered Engrossed -
 H. B. No 20 - Was ordered Engrossed -

The following message was received from
 the Council -

Council Chamber
 Boise City

Mr Speaker,

December 30th 1868.

I am instructed to inform your
 Honorable Body that, the Council has had under
 consideration, and adopted C. C. R. No 13, authorizing
 the Joint Committee appointed to examine the books
 of Territorial Treasury and Controller to employ
 an Expert -

J. Wisla

Secretary of the Council

H. B. No 17 - Was ordered Engrossed -

C. C. R. No 13 - Relative to the Joint Committee to
 appointed to enquire into the Office of the Territorial
 Treasury and Controller to employ an Expert -

Read First and Second times - Rules Suspended -
 Read Third time - And on the question "Shall the
 Resolution be adopted?" the Yeas and Nays were called -

~~Yeas - Eighteen~~

Yeas -
 Messrs. Bell, Callaway, Campbell, Coates,
 Foye, Goodenough, Goulden, Hunt, Kaula, Hayden,
 Kiley, Linbeck, Mooney, Marx, Quinn, Shumaker,
 Wright, McSpadden
 Nays - Mr. Harsman - Absent Mr. McGowan -

Yeas - Eighteen

Nays - One

"So the Resolution was Adopted"

On Motion of Mr. Kelly, the House took a recess till 2 o'clock P.M.

Two O'clock P.M.

House assembled - Speaker in the Chair -
Roll Called - Morning Session

C. B. No. 18 - "An Act to Amend an Act authorizing the County Commissioners of Boise County, to levy and Collect a Special Tax &c."

Read Third Time, and on the Question: "Shall the Bill pass?", the Yeas and Nays were called.

~~Mr. Roberts~~

Yea, Mr. Bell, Callaway, Gormanough, Hunt, Rosenman, Hayden, Linbeck, Moore, Mum, Wright

Nays - Mr. Campbell, Fager, Goulden, Humber, Kelly, Quinn, Shoemaker, J. M. Spencer,

Absent, Mr. Carlin, J. M. Green

Yeas - 12

Nays - 8

"So the Bill passed"

On Motion of Mr. Collins C. M. Prob - was
taken up for Consideration

C. M. Prob - Relative to a Branch Rail
Road -

Read Third time, and on the Question
"Shall the Memorial pass?" - the Yeas and
Nays were called -

~~Yeas - 12~~

Yeas: Messrs Bell, Callaway, Foye, Goodenough,
Goulden, Hunt, Hailer, Housman, Bayard,
Kelley, Linbeck, M. Gray, Mooney, Mast, Quinn,
Wright, Mr. Speaker,

Nays: Messrs. Campbell, Carter & Shumaker

Yeas - Seventeen -

Nays - Three -

"So the Memorial passed" -

On Motion of Mr. Campbell, the House adjourned
till December 31st 1868 - at 11 A. M.

Henry H. Fay
Chief Clerk

E. T. Beatty

Clerk

Twenty Fifth Day

129

House of Representatives
Eric C. C.

December 31st 1868.

House met pursuant to adjournment
Speaker in the Chair - Roll Called -
Quorum present

Journal of December 30th read and approved

Mr Hunt, gave the following notice -

Mr Speaker, I give notice that I will
introduce a Bill on tomorrow to provide for the
appropriation of certain School monies, belong-
ing to School District No. 1 of Ada County
to pay for School House -

J. Hunt

Mr McGowan, from the Committee on Engrossed
Bills, offered the following Report -

Mr Speaker, (from the Committee on Engrossed
Bills, to whom was referred H. B. No. 19 "An Act
to Amend the Act - Section 583 of the Civil
Practice Act" -

Also H. B. No. 17 "An Act
to Amend the Act, entitled An Act to Amend
the Act to incorporate the South Boise
Wagon Road -

Also H. B. No. 21 ~ "An Act to change the name of Dryden City in Dryden County - &c."

Also H. B. No. 21 ~ "An Act to Amend An Act, relating to the discovery of Gold and Silver Quartz Lodes, and the manner of their location approved January 12th 1866" ~ Have examined the same and found them correctly Engrossed and herewith transmit the same to the Clerk of this House.

W. Green

Chairman

Mr. Kelly, from the Committee on Ways and Means, offered the following Report ~

Mr. Speaker, Your Committee on Ways and Means to whom was referred House Substitute for H. B. No. 9, have had the same under advisement, and would ask leave to refer the same back to the House, with an Amendment, attached thereto, and as amended would recommend its passage ~

Kelly ~

Chairman Committee

Mr. Hunt, from the Committee on Judiciary, offered the following Report ~

Mr. Speaker, Your Committee on Judiciary to whom was referred C. B. No. 14 ~ Concerning persons in Custody, under sentence of imprisonment, have had the same under advisement, and ask leave to refer the same back to the House, and recommend that the same do not pass ~

H. Hunt

Chairman Committee

Mr. Wright, from the Select Committee,
offered the following Report -

Mr. Speaker,
The Select Committee to whom was referred
H.B. 19 in regard to the disposition of Town
lots &c, have duly considered the same, and
recommend a Substitute for Sections 2, 3, 4, 5,
6, & 7 which are attached to the Bill.

Wright

Chairman Committee

Mr. Walder, we have introduced H.B. 23 -
"An Act to apportion the Members of the
Legislature" - Read First and Second Times
and referred to the Committee on Hospitals
and Insane Asylums -

Mr. Kelley, we have introduced H.B. 25 -
"To define the Boundaries ^{Line} between Boise
and Alturas Counties" - Read First and
Second Times, and referred to the Committee
on Counties and County Boundaries

C. B. 14 - "An Act concerning persons
in Custody, under Sentence of Imprisonment"
Read Third Time, and on the Question
"Shall the Bill pass?" the Yeas and Nays
were called -

L. B. 14

Clay, Clapp, Bell, Campbell, Carter, Foy,
Gardner, Gordon, Hensman, Linbeck
Mr. Green, Mooney, Pratt

Pres. Mr. Callaway, Hunt, Hendry,
Hayden, Kelly, Shumaker, Wright, Mr. Speaker,

Absent, Mr. Quinn

Yours - Oliver -
Pres - Beight

So the Bill passed on

H. B. No. 9 - Reported back with Amendments -
Amendments Adopted and Ordered Engrossed -

Substitute to H. B. No. 9 - Amended by striking
out the word Substitute

H. B. No. 26 - "An Act to provide for the
disposition of Town Lots in Boise City &c -"
Ordered Engrossed -

H. B. No. 16 - Was on Motion U. - Committed
to the Judiciary Committee

On Motion of Mr. Marx, the House took
a recess till 2 o'clock P.M.

Two O'clock P.M.

House re-assembled - Speaker in the Chair

Tell Called - All present

S. B. C. No. 14 - Amended - And passed
Engrossed as Amended -

Mr. Hunt introduced S. B. C. No. 25 -
"An Act to provide for the appropriation of certain
School monies belonging to District No. 1 of
Ada County &c. Read First and Second
Times, and referred to the Ada County delegation

The following Message was received from the
Council

Council Chamber

Boise City

December 31st 1868

Attest Speaker,

I am instructed to inform
your Honorable Body that the Council has
had under consideration, and passed Substitute
for C. B. C. No. 24 - "An Act fixing the Salaries
and fees of certain Officers in Boise County
which is herewith transmitted

J. C. Vinson

Secretary of the Council

S. C. B. Apr. 24 - 'An Act fixing the Salaries of Certain Officers in Boise County - Read First and Second times, and referred to the Boise County delegation.

Mr. Foye, gave the following notice

Mr. Speaker, I will give notice to introduce a Bill tomorrow to Amend the Civil Practice Act of Idaho Territory -

Thos Foye

On Motion the House then adjourned to meet at 11 A. M. on Saturday the 2nd day of January 1869 -

Henri H. Cayne
Clerk E. T. Beatty
Speaker

Twenty Sixth Day -

135

House of Representatives

Boise City

January 2^d 1869 -

House met pursuant to adjournment
Speaker in the Chair - Roll Called -
Quorum present -
Journal of December 31st read and approved -

Mr W. Green, gave the following notice

I will introduce on Monday next a
Res. Amending of and prescribing the
manner of selecting Clerks

W. Green -

Mr Hunt, gave the following notice

Mr. Speaker, I give notice that I will
on Monday introduce a Bill to Amend an
Act to incorporate Boise City, Ada County
I. T.

Hunt -

Mr. Catlin, gave the following notice

I give notice that, on Monday, I will introduce a Bill relative to, and providing for the organization of the Territorial Militia -

Seth Catlin -

Mr. Goodenough, from the Committee on Hospitals and Insane Asylums, offered a Report on H. B. No. 25. which was read, and on motion of Mr. Hunt laid on the table -

Mr. McGraw, from the Committee on Engrossed Bills, offered the following Report -

Mr. Speaker, your Committee on Engrossed Bills to whom was referred H. B. No. 26 "An Act in regard to Town Lots in Boise City -

Also H. B. No. 9 "An Act to provide for the disposition of Town Property, or Lots in the Towns or Cities of Idaho Territory -

Also H. B. No. 14 (Substitute) "An Act creating a Board of County Commissioners have examined the same and found them correctly engrossed, and herewith transmit the same to the Clerk of this House -

W. McGraw

Chairman

Mr. Callaway, from the Ada County delegation, offered the following Report,

Mr. Speaker, your Committee the Ada County delegation to whom was referred H. B. No. 25, beg leave to refer the same back to the House, and recommend its passage -

J. H. Callaway -
Chairman Committee

Mr. Kelly, introduced H. B. No. 27.

"An Act to Amend the Act entitled An Act defining the time of commencing Civil Actions"

Read First and Second times, and referred to the Judiciary Committee

Mr. Foye, introduced H. B. No. 28. "An Act to Amend the Civil Practice Act"

Read First and Second times, and referred to the Judiciary Committee

H. B. No. 9 - Ordered printed

H. B. No. 25 - Ordered Engrossed

S. H. B. No. 14 - (On Motion of Mr. Cather, was made the Special order for Tuesday at 2 P.M.)

H. B. No. 26 - Ordered printed

Mr. Callaway, was granted leave of absence till Monday at 11 A.M.

(On Motion of Mr. Goulden, the House took a recess till 2 o'clock P.M.)

Two O'clock - P.M.

House re-assembled - Speaker in the Chair.
Roll Called - Quorum present.

The following Message was received from the Council,

Council Chamber
Brisi City
January 2^d 1869.

Mr Speaker, I am instructed to inform your Honorable Body that, the Council has had under consideration, and Adopted C. C. R. No. 14 - Empowering Special Committee to Examine books of Territorial Controller and Treasurer to employ two Experts to assist - And to provide for their pay &c. - which is herewith transmitted.

J. Ainslie

Secretary of the Council

Mr W. Green, from the Committee on Engrossed Bills, offered the following Report,

Mr Speaker, The Committee on Engrossed Bills to whom was referred H. B. No. 25: "An Act to provide for the appropriation of certain monies belonging to School District No. 1 - Have examined the same, and found it correctly Engrossed, and herewith transmit it to the Clerk of this House.

W. Green
Chairman

Mr. East, introduced H. B. No 29.
 "An Act to Amend an Act to incorporate
 Boise City &c" Read First and Second times
 and referred to the Ada County delegation

C. C. R. No 14: Relative to the Committee
 to examine the Books of the Territorial Treasurer
 and Controller, employing two Agents -

Read First and Second times -
 Rules Suspended - Read Third time -
 And on the question "Shall the Resolution
 be adopted?" - The Yeas and Nays were Called.

C. C. R. No 14

Yeas, Messrs. Bell, Campbell, Carter, Fager,
 Goodenough, Goulden, Hunt, Kelley, Cassman,
 Hayden, Kelly, Linbeck, McLean, Mooney,
 Mart. Quinn, McSpeaker

Nays, Messrs. Shumaker -

Absent, Messrs. Callaway and Wright

Yeas - Seventeen -

Nays - One -

"So the Resolution was Adopted"

H. B. No. 25 - "An Act to provide for the appropriation of Certain School Monies belonging to School District No. 1 - of Ada County -"

Read Third time, and on the question "Shall the Bill pass?" - the Yeas and Nays were called -

~~H. B. No. 25~~

Yea, Messrs. Bell, Campbell, Carlin, Faye, Goodenough, Goulden, Hunt, Hurley, Wassman, Hayden, Kelly, Limbeck, McGraw, Mooney, Marx, Quinn, Shumaker, Mr. Speaker -

Absent, Messrs. Callaway and Wright.

Yea - Eighteen -

Nays - One -

"So the Bill passed -"

On Motion the House then adjourned to meet on January 4th at 11 A. M.

Amos T. [unclear]
[unclear] Clerk

E. J. Beatty Speaker

Tuesday March Day

House of Representatives
 Boise City
 January 4th 1869

House met pursuant to adjournment -
 Speaker in the Chair - Roll Called -
 Quorum Present -
 Journal of January 2^d - read and approved -
 The following Message was received from
 the Governor,

Executive Department
 Boise City I. T.
 January 4th 1869

To
 Hon. C. T. Bentley
 Speaker of the House
 Idaho Legislature

Sir, I have the honor to
 return herewith
 your Memorial No 4, which
 I have signed -

Very Respectfully
 Your Obedt Servt
 D. W. Bullard
 Governor of Idaho Territory

Reports of Standing Committees -
The following Reports were received -

Mr Speaker, Your Committee on Judiciary to whom was referred a Bill to Amend an Act entitled An Act, defining the time of Commencing Civil Actions, have had the same under consideration and would recommend that, the Bill be laid on the Table, for the reason first that, there was no bill reported January 24th 1864 - Second that, the Bill is obscure in its meaning, which in my opinion is sufficient objection to its passage.

W. C. Coker

Chairman

Mr Speaker, The Committee on County and County Boundaries to whom was referred H. R. No. 24, have had the same under consideration and after the same back to the House without recommendation.

W. C. Coker

Chairman

Mr Speaker, Your Committee on Enrolled Bills to whom was referred H. R. No. 24, have carefully examined, and find the same correctly Enrolled No. H. R. No. 24 - Memorializing Congress for the establishment of a Mail Route, from Bamock City Montana Territory to Leesburg - &c. &c. Territory and further praying for the establishment of certain Post Offices, and on this 2^d day of January A. D. 1864, at 2 o'clock - 30th P. M., presented the same to the Governor for his approval.

H. J. Goodenough

Chairman

Mr. Frye, on leave introduced H. C. R. c. 146
granting leave of absence to John T. Taylor.

Read First and Second times - Rules
Suspended - Read Third time - And on this
question "Shall the Resolution pass" - The Ayes
and Nays were called -

[Signature]

Ayes, Mr. Campbell, Cutler, Frye, Goodenough,
Goulden, Hunt, Charles, Hussman, Kelly,
McGowan, Mowrey, Marx, Quinn, Wright,
Mr. Speaker,

Nays, Mr. Bell, Callaway, Goodenough,
Hayden, Linbeck, Shumaker,

Ayes - Mr. Martineau -

Nays - 14 -

"So the ^{Resolution} ~~Bill~~ Passed"

Mr. Bell, moved to reconsider vote on H. C. R. c. 25 -
"An act to provide for the appropriation of certain
School moneys - Which was carried -

Mr. Bell, then offered the following Resolution
which was adopted

Resolved that the Council
be requested to return H. C. R. c. 25 - for the further
consideration of the House -

The following Message was received from the Council:

Council Chamber

Boise City

January 4th 1869

Mr Speaker,

I am instructed to inform your Honorable Body that, the Council has had under consideration, and passed C.B. No 8 - "An Act for the removal of the County Seat of Idaho County -

Also H.B. No 18 - "An Act to Amend An Act relative to Elections - Which are herewith transmitted.

Also that the Council has amended C.B. No 13 "An Act to provide for County Seats &c, by adding striking out Section 1, and adding Section 2^d, as also amending the title and passed said Bill as amended -

Which is also herewith transmitted, and the concurrence of the House of Representatives requested thereon.

J. Ainslie

Secretary of the Council

Mr W. W. New, on have introduced H.B. No 30 - "An Act amending of and supplementary to an Act to provide for a Board of Five Commissioners for Idaho City - Approved January 11th 1867 -

Read First and Second times, and referred to Joint Deliberation -

Mr Bailey, introduced H.B. No 31 - "An Act to organize the Militia of Idaho Territory -

Read First and Second times, and referred to Committee on Military and Indian Affairs.

H. B. No. 13 - House concurred in the amendments as reported from Council -

H. B. No. 8 - "For Amending County Seat of Idaho County, read first and second times, and referred to the Committee on Counties and County Boundaries -

H. B. No. 24 - Question being on Engrossment - House refused to Engross -

H. B. No. 27 - Laid on the Table -

H. B. No. 28 - Ordered Engrossed -

Mr. Curtis, we have introduced H. B. No. 32 granting leave of absence to O. S. Hughes, Read first and second times, Rules suspended, - Read third time - And on the question "shall the Bill pass?" the Yeas and Nays were called -

H. B. No. 32

Yeas - Campbell, Curtis, Freye, Wirt, Naylor, Newman, Hayden, Kelly, Linbeck, McGowan, Moore, Murt, Quinn, Wright, Mr. Speaker,

Nays - Mr. P. Brit, Callaway, Porter, Galt, Fowler, Shumaker -

Yeas - Fifteen

Nays - Five

"So the Bill passed"

On Motion of Mr. Mann, the House
now took a recess till 2 o'clock. P.M.

Two O'clock - P.M.

House reassembled - Speaker in the Chair.

Journal presented

Mr. Callaway, on leave introduced
H.B. No. 23 - "An Act to dissolve the bonds of
matrimony existing between Andrew S. Halley,
and Nancy S. Halley."

Read First and
Second times, and referred to Special
Committee of Five, consisting of Capt.
Goulden, Gordonough, Gorman, Harrison and
Linbeck.

Mr. Hooper, on leave introduced H.B. No. 24 -
"An Act entitled An Act to adjust and
apportion the debt between the Counties of
Tobacco, Ada and Owyhee."

Read First and
Second time and referred to the Committee
on Counties and County Boundaries.

On Motion of Mr. Kelly, H.B. No. 27 -
 Was taken from the Table - H.B. No. 27 -
 was then committed to the Judiciary
 Committee

Mr. W. Green, from ^{Suffrage Committee} ~~Committee on Suffrage~~ ^{make} Bill offered the following Report -

Mr. Speaker, The Committee of the
 Irish Delegation to whom was referred H.B.
 No. 311 "An Act to amend an Act to provide
 a Board of Fire Commissioners for Idaho
 City, approved January 11th 1867 - Have
 had the same under consideration and would
 recommend that, Section 2 - of said Act, be
 stricken out, and that the Bill pass as
 amended -

Irish Delegation

Done and approved, this January 5th
 1869 - at 11 o'clock A.M.

Wm. H. Fay

Speaker

E. T. Beatty

Speakers

Thursth Day

House of Representatives

Wash^g City

January 5th 1869 -

House met pursuant to adjournment -

Speaker in the Chair - Roll Called -

Quorum present -

Journal of January 4th read and Approved -

Reports of Standing Committees

Mr Speaker,

The Committee on Engrossed Bills, to whom was referred H. B. No. 28 - "An Act to Amend an Act to regulate proceedings in Civil Cases in the Courts of Justice in the Territory of Idaho - Approved &c.

Have examined the same and found it correctly Engrossed, and herewith transmit it to the Clerk of this House.

W. C. Green

Chairman

Mr Speaker, The Committee on County and County Boundaries to whom was referred Council B. 188 "An Act for the removal of the County Seat of Idaho County,"

Have examined the same and recommend that it pass as Amended -

Also H. B. No 34 "An Act entitled An Act to adjust and apportion the debt between the Counties of Ada - Blaine and Benewah - have examined the same and refer it back without recommendation

M Green

Chairman

Mr Speaker, Your Committee to whom was referred a Bill to Amend An Act entitled An Act defining the time of commencing Civil Actions, ask leave to refer the same back to the House without recommendation

W. C. Hart

Chairman Committee

Mr Speaker, Your Committee to whom was referred An Act to Amend An Act entitled An Act to levy a tax of one per cent of the gross proceeds of Toll Roads, Bridges & within Territory; have had the same under consideration and ask leave to refer the same back to the House with an Amendment thereto, and as so Amended recommend its passage.

W. C. Hart

Mr Callaway, offered the following Report
H.B. No 29 - "An Act to Amend an Act to
incorporate Boise City - Approved Jan'y 11th 1866.

Mr Speaker, The Ada County delegation to
whom was referred H.B. No 29. "An Act to Amend
An Act to incorporate Boise City - Approved
January 11th 1866 - Beg leave to report that, they
have had the same under consideration and
would recommend that, the same pass.

Callaway.

Chairman

H.B. No 28 - "An Act to Amend an Act
to regulate proceedings in Civil Cases?" -

Read Third time - And on the question
"Shall the Bill pass?" - The Yeas and Nays
were called -

Yeas -

Mr. Bell, Callaway, Humpbell, Hoye,
Gordonough, Coulter, Hunt, Hendley, Newman,
Hayden, Kelly, Linbeck, Dr. Green, Morrey,
Marr, Quinn, Wright, Mr Speaker,

Nays, Mr. Butler and Sumner -

Yeas - 15
Nays - 2

So the Bill passed -

The following Message was received from
the Council -

Council Chamber

Brisi City -

January 5th 1869 -

Mr Speaker, I am instructed to inform
your Honorable Body that the Council has
had under consideration, and passed C.B. No 27
"An Act for the relief of Clanton Zapp -

Also, C.C.R. No 9. Requesting our
Delegates in Congress to procure the appointment
of William Robertson Grant, to a Cadetship at
West Point - Also - C.C.R. No 15 - "Providing
for all printing not done by the General
Government to be done by T.C. Bailey & Co

Also that the Council has amended
H.B. No 11 by title, and passed the same
as amended.

All of which is herewith
transmitted -

Also that at request of the House
of Representatives the Council Resolved
on H.B. No 25 - for further action of the
House

J. Austin

Secretary of the Council

H.B. No 27 - "An Act to Amend an Act
defining the time of Commencing Civil Actions"

Was Ordered Engrossed -

H. B. No. 311 - Amended and Ordered
Engrossed -

H. B. No. 29 - "An Act to Amend an Act
to incorporate Boise City -"

On Motion of Mr. Hunt, the Bill was considered Engrossed -

Rules Suspended - Read Third time -
And on the question "Shall the Bill pass?" the
Ayes and Nays were called -

~~H. B. No. 29~~

Yeas, Mr. Bell, Callaway, Campbell, Cullen,
Foye, Goodenough, Goulden, Hunt, Harley,
Husman, Hayden, Kelly, Moorey, Mart
Shumaker, Wright, Mr Speaker.

Nays, Mr. Linbeck, Mr. Green, Garrison -

Yeas - Seventeen -
Nays - Three -

"So the Bill passed -"

H. B. No. 34 - "An Act to Adjust and
apportion the debts between Boise, Ada, and
Payson Counties"

Ordered Engrossed -

26. B. S. 1. "An Act Amendatory of an Act relating to Mechanics Lien &c."

Amended by the Council, and Amendments concurred in by the House.

C. C. R. S. 1. Joint Resolution in relation to certain appointments in Idaho Territory

Read First and Second Times -
Rules Suspended - Read Third Time -
And on the question "Shall the Resolution pass?"
the Yeas and Nays were called -

~~Yeas and Nays~~

Yeas, Messrs. Bell, Callaway, Campbell,
Curtis, Goddough, Hunt, Cushman,
Shawden, Linbeck, McGrew, Morley, Marx,
Wright, Mr. Speaker,

Nays, Messrs. Freye, Goulden, Conley,
Kelly, Quinn, Shumaker,

Yeas 17 -
Nays 5 -

So the Resolution passed -

So the Resolution passed -

26. B. C. 25 - "An Act to provide for the Appropriation of Certain School Monies of District No. 1." Returned from the Council and recommended to the Committee.

C. B. C. 26 - "For the removal of the County Seat of Idaho County." Reported from Committee with Amendment - Amendment adopted - Read Third time - and on the question "Shall the Bill pass." The Yeas and Nays were called -

[Signature]

Yeas: Messrs. Bell, Cullaway, Campbell, Baxter, Foye, Goddard, Goulden, Hart, Harley, Harman, Hayden, Kelly, Linbeck, McGowan, Murray, Mart, Quinn, Shumaker, Wright, Mc-Specker,

Nays: Twenty -

Yeas: One

"So the Bill passed"

C. B. C. 27 - "An Act for the relief of Marckins Fapp." Read First and Second times and referred to the Board County delegation.

26. B. C. 16 - Ordered Engrossed -

On ~~House~~ Mr. Frye, introduced - H. R. No. 36 -

"An Act to Amend an Act to establish a Common School System, and to provide for the maintenance and supervision of Public Schools" - Read first and second times, and referred to Committee on Education.

Mr. M. C. D. - "Paying for Certain Mail Routes" - Read first and second times, and referred to Committee on Federal Relations.

House, on motion of Mr. M. C. D., now took a recess until 2 o'clock P. M.

Afternoon Session -

2 o'clock P. M.

House re-assembled - Speaker in the Chair
Roll Called - Quorum present

Special Order, H. R. No. 14 - "An Act to Amend an Act creating Board of County Commissioners, was now taken up -

On motion of Mr. Callaway, the Bill was laid on the table -

C. C. R. c. p. 15th - In regard to Printing -
 was now taken up - Motion to lay on table - Lost -
 Read Second time, and referred to Committee
 on Printing.

The following Message was received from
 the Council -

Council Chamber.

Boise City -

January 5th 1889 -

Mr Speaker, I am instructed to inform your
 Honorable Body that, the Council has had under
 consideration and passed C. B. No 28 - "An Act
 to amend an Act Amending Section 90" of an
 Act relative to County officers &c -

Also C. Substitute for C. B. No 26 -
 "An Act defining the Districts of the several
 District Attorneys of the Territory of Idaho -

Also H. B. No 32 - Granting leave of
 absence to C. L. Hughes County Commissioner of
 Owyhee County, all of which is herewith
 transmitted.

J. Ainslie

Secretary of the Council

C. B. No 26 - Read First and Second
 times, and referred to the Committee on
 Judiciary.

C. B. No 28 - Read First and Second times
 and referred to Committee on Judiciary.

The following Report was received from
Special Committee Ada County Allegations

Mr Speaker, Your Committee, the Ada County
Allegation, ask leave to refer House Bill No 25 -
Concerning appropriation of Certain School
Monies, District No 1, back to the House, and
recommend its passage.

H. B. No 25 made special order,
for Saturday at 2 o'clock P.M.

Callaway
Chairman

Mr. Mark, from the Committee on Military
and Indian Affairs, made the following
Report,

Mr Speaker, The Committee on Military
and Indian Affairs, to whom was referred H.B.
No 31 - "An Act to organize the Militia of the
Territory of Idaho, have had the same under
consideration, and after the same back to the
House without recommendation.

H.B. No 31, made special
order for Saturday at 2 o'clock
P.M.

Mark
Chairman

Mr Speaker, Your Committee of Conference,
which was appointed to confer with a like
Committee from the Council, to take under consid-
eration H.B. No 4 - "An Act entitled An Act
Creating the County of Lemhi." Your Committee
would beg leave to report the same back to the House,
and beg to be discharged - Your Committee would
unanimously recommend that another Committee
be appointed, to confer with a like Committee of the
Council

Kelly -

Report accepted and Committee
discharged

Chairman

On Motion of Mr Kelly, a Committee of Three, consisting of Messrs. Marx, Shumaker, and Wright, were appointed by the Speaker as a Committee of Conference on H.B. No. 1 -

Mr Butler, on have introduced H.B. No. 37 -
"An Act to provide for the Transfer of County
independencies of the several Counties of Idaho
Territory - Read First and Second Times, and
referred to Committee on Ways and Means -

Motion of Mr Hart, to add Cuyler's
Delegation to that Committee was Lost -

On Motion of Mr. Crossman, the House
adjourned till to-morrow, January 1st at
11 o'clock -

Henry J. Gay
Chief Clerk

E. J. Beatty
Speaker

Thurs. First Day.

House of Representatives
 Boise City
 January 5th 1869.

House met pursuant to adjournment
 Speaker in the Chair - Roll Called -

Quorum present -
 Journal of January 3rd read and approved.

The following Reports were received from Committees

Mr Speaker, The Committee consisting of the Train
 delegation, to whom was referred C. B. No. 27 - "An Act
 for the relief of Matthias Zapp, have had the
 same under consideration, and believing it to be
 a just Bill - We would respectfully recommend
 that the Bill pass.

Boise Delegation.

Mr Speaker, The Committee on Engrossed
 Bills to whom was referred H. B. No. 16 - "An Act
 to amend an Act entitled an Act to lay a tax
 of one per cent of the gross proceeds of Toll Roads
 bridges &c; And in this Territory to constitute a
 General School fund - (Approved December 22^d 1864

Also H. B. No. 27 - "An Act entitled an
 Act, defining the time of commencing Civil
 Actions - (Approved January 2nd 1864 -

Also H. B. No. 34. "An Act Amending of and supplementing to an Act to provide for a Board of Fire Commissioners for Idaho City. Approved January 26th 1864.

Also H. B. No. 34. "An Act entitled An Act to adjust and apportion the debt between the Counties of Boise, Ada, and Pwyher.

House examined the same, and find them correctly expressed, and herewith transmit the same to the Clerk of this House.

W. Green

Chairman

Mr Speaker, From Committee to whom was referred House Bill No. 22 - have had the same under consideration, and report the same back with the recommendation that, the subject matter of the Bill, as also the Bill itself, be referred to a select Committee of Five, with instructions to report thereon at an early day as practicable.

Thos. Hoge

Chairman

Mr Speaker, From Committee to whom was referred House Bill No. 22 - beg leave to submit a majority report as follows: Recommending a substitute which is herewith offered, based upon the following plan.

That each County in the Territory be allowed one Representative in the House, and one in the Council. That the remainder be apportioned according to the popular vote cast in 1868, for delegate to Congress, which would give to each County a representation as follows;

Ada County - 2 Members of the Council - 4 of the House.
 Alturas County. 1 Member of the Council - 2 of the House.
 Boise County. 3 Members of the Council - 7 of the House.
 Idaho County. 1 Member of the Council - 2 of the House.
 Lemhi County. 1 Member of the Council - 2 of the House.
 Nez Perce County - 1 Member of the Council - 2 of the House.
 Owyhee County - 2 Members of the Council - 5 of the House.
 Owyhee County - 1 Member of the Council - 1 of the House.
 Shoshone County - 1 Member of the Council - 1 of the House.

And would recommend the adoption of the Substitute as the nearest approximation to exact justice that we can devise.

J. B. Wright -

H. A. Goulden -

Mr Speaker, Your Committee to whom was referred House Bill No. 37, beg leave to report the same back and recommend its passage as amended in Section 2nd, and by striking out all of Section 3^d.

Kelly -

Chairman Committee Ways and Means

Mr Speaker, Your Committee on Federal Relations to whom was referred H. M. S. 5, asking Congress for an Appropriation to establish a Mail Route from Boise City, Idaho Territory, via Middleton, Beeings Ferry, El Dorado City, and Clarksville to Baker City Oregon; beg leave to report that, they have had the same under consideration, and would respectfully refer the same back to the House with the recommendation that it pass.

Hayden

Chairman

Mr Speaker, Your Select Committee to whom was referred House Bill No 33 - "An Act to dissolve the bonds of Matrimony existing between Andrew S. Holley, and Nancy Holley, his wife", have had the same under consideration, and beg leave to refer the same back to the House with the recommendation that, it pass.

H. A. Goulden

Chairman

Mr Speaker, As one of your Select Committee to whom was referred H. B. No 33 "An Act to dissolve the bonds of Matrimony existing between Andrew, S. Holley, and Nancy S. Holley, beg leave to submit the following Minority Report - It is the opinion of your Committee that, the time of this Honorable Body should not be consumed in adjudicating private matters but should be devoted to Legislation for the whole people, therefore, your Committee recommend the Bill be indefinitely postponed.

Lewis Linbeck.

Mr Goulden on have introduced H.B. No 38 -
to incorporate a Territorial Agricultural Society
etc.

Read First and Second time, and referred
to Committee on Corporations.

Mr Shumaker, on have introduced H.B. No 39 -
"An Act to incorporate the City of Elmalad in
Pocahontas County; - Also submitted a petition from
Citizens of Elmalad in connection therewith -

Read First and Second time, and
referred to Committee on Corporations

Mr Wright, introduced H.B. No 40 - on have
defining the Boundary line between Ada
and Alturas Counties, Also submitted a petition
from Citizens in connection therewith

Read First time - Second Reading
opposed to by Mr Kelley, Motion not sustained

Read Second time and referred to Special
Committee of Ada and Alturas County Delega-
tion

The following Message was received from the
Council

Council Chamber

Pres. City
January 11th 1869 -

Mr Speaker,

I am instructed to inform your Honorable
Body that the Council has had under consideration and
adopted C. R. No 6 - Locating site of Territorial Prison,
also that the Council has amended H. C. R. No 6, by video
and adopted the same as amended - All of which is
herewith transmitted, and the concurrence of the
House of Representatives requested therein.

J. W. H. H.
Secretary of the Council

Mr. Cuthin, from the Committee on Printing made the following Report

Mr. Speaker, your Committee on Printing to whom was referred C.C. Resolution No. 15 - beg leave to report the same back to the House, and recommend its passage.

Respectfully,

Leith Cuthin

Mr. Mann, from Special Committee of Conference made the following Report,

Mr. Speaker, The Joint Committee of Conference of the Council and House of Assembly to whom was referred House Bill No. 1 - and the matters of difference between the two Houses relative to said Bill; beg leave to report that, they have had the same under consideration, and have arrived at an agreement relating thereto, and they herewith report back the accompanying Amendment as agreed to by the Committee

Mann

Chairman

Mr. Campbell offered the following Resolution which the House refused to adopt -

Resolved,

That the Council be requested to return House Bill No. 28, for further consideration -

C. B. No. 27. ~ "An Act for the relief of all Fapp
Read Third time ~ And on the Question
"Shall the Bill pass"? ~ The Ayes and Nays ~
were called ~

Handwritten signature: *Carlye* 29

100-443887-100

Mr. Callaway, Campbell, Frye, Good-
enough, Goulden, Hart, Hickey, Wassman, Hayden,
Kelly, Linbeck, Mr Green, Mooney, Marx, Quinn,
Shumaker, Wright, Mr Speaker,

Myers

3
Mays, Mabel Bell, and Critics

Less Eighteen

Days - Two -

"So the Bico pressed"

C. C. R. May - "Relating to Printing" -
Read Third time - And on the question "Shall
the Resolution pass?" The Ayes and Nays were
called -

Handwritten signature: L. B. Nichols

Flora

Gen. M^r. P. Bill, Callaway, Campbell, Carter,
Foye, Goddough, ..., Haley, Harman,
Hayden, Kelly, Linbeck, M^r. Green, Mooney,
Marrs, Quinn, Shumaker, Wright, Mr. Speaker,

Says,

Says, Miss: Toussu and Hunt -

Year - Eighteen -

Days - Two

⁴ So the Resolutions passed in

On Motion of Mr. McGraw, the House
now took a recess until 2 o'clock P.M.

Afternoon Session
January 5th 1879-

House re-assembled - Speaker in the Chair -

Quorum present -

H. C. R. No. 1 - "Wanting Leave of Absence to
John Taylor, Auditor Boise County - Amended
by Council - Amendment concurred in by the House -

H. M. No. 5 - "Relating to Postal Routes - Rules
Suspended - Read Third Time - And on the question
'Shall the Memorial pass?' the Ayes and Nays
were called -

~~So. M. No. 5 -~~

Yea
Messrs. Bell, Cullaway, Forge, Goodnow, G.
Gordon, Hart, Harley, Harsman, Hayden, Kelley,
Limbach, McGraw, Morney, Quinn, Shumaker,
Wright, Mr Speaker,

Nay -

Ayes - 2 -

"So the Memorial passed -

H. B. No 22 - Motion of Mr Hunt, made
The Special Order for Friday at 2 o'clock.

H. B. No 31 - "An Act to organize the
Militia - House refused to Engrave

H. B. No 33 - "An Act to dissolve the
Bonds of Matrimony between A. J. Holley,
and Nancy J. Holley" - Ordered Engraved.

The following Message was received from
the Council -

Council Chamber

Boise City

January 6th 1869.

Mr Speaker, I am instructed to inform your
Honorable Body that, the Council has had
under consideration, and passed H. B. No 11 -
"An Act defining the duties of Constables".
Also the Council adopted the Amendments
reported from the Committee of Conference to
H. B. No 1 - "An Act Creating and organizing
the County of Lemhi - Which is attached
as a rider - And passed the Bill as amended.
All of which is herewith transmitted

J. Ainslie

Secy: of the Council

C. B. R. No 16 in Creating Penitentiary
 Motion to Suspend Rules - Lost -
 And on Motion a Special Committee of
 five appointed by Speaker -

C. B. R. No 37 in House refused to Engross.

C. B. R. No 4 in Reported from Council with
 Amendment -
 Council Amendment Concurred in -

On Motion of Mr. May House adjourned
 until tomorrow at 11 o'clock -

Henry T. Gayles
 Chief Clerk E. T. Beatty
 Speaker

Thirty Second Day

189

House of Representatives

Boise City

January 7th 1889

House met pursuant to adjournment
Speaker in the Chair - Roll Called -

Prayer presented.

Journal of January 6th read and approved

Mr Campbell introduced a petition from
Citizens of Poyher, asking that the House
please to pass the Act changing the name
of Poyher City, to Boyd City.

Mr Campbell laid on the table for further
consideration

The following Communication was
received from the Governor.

Executive Department

Boise City, Id.

January 7th 1889

To J. S. Taylor,
President of the Council

and Wm C. J. Bailey

Speakers of the House - Idaho Legislature

Sir,

Mr Charles Ostrom, a Citizen of Boise County, as will be seen from accompanying documents herewith transmitted, has presented to the ^{People of Idaho Territory} Territory of Idaho, through the Executive Department, "A Bronze Equestrian Statue of General George Washington, the Father of the American Republic."

To produce the Statue Mr Ostrom has employed his leisure hours during the past four years. The materials as well as the utensils used in creating this ideal representation, are entirely of Idaho growth and manufacture.

As a work of Art, it possesses merit of the highest order and should be for this, if for no other reason, carefully preserved by the people of this young and growing Territory, not only as a monument of the talented and generous donor, but also to perpetuate the memory of this immortal model.

In behalf of the people of the Territory, I have accepted the Statue from Mr Ostrom.

As due regard to the generous motives of the donor, and the memory of the great and good man, whom the Artist has chosen as the subject of his Chisel, alike demand that, it should be inaugurated with proper and impressive ceremonies.

As the Members of the Legislative Assembly, are the more immediate representatives of the people of the Territory - I have thought it appropriate that the presentation should be made directly to you as such representatives, and for that purpose I have selected Hon John R. McBride, late Chief Justice of the Territory, to make a formal presentation of the same, at such time as may be convenient to your Honorable Body.

I would suggest the 8th of January next, as a fitting occasion for that purpose, commemorating as it does the Glories of our Order, and the illustrious Ancestor.

I would further suggest that some proper person be selected by the Legislature to receive the same, in the name and on behalf of the people of the Territory.

Assuming it proper that some return should be made to Mr. Ostum for his munificent donation, I invite your attention to the subject, for the purpose of appropriate legislation.

Very Respectfully
 Your H^o & S^o Friend
 D. W. Ballard
 Governor of Idaho Territory

Boise City

January 1st 1890

His Excellency

D. W. Ballard -
 Governor of Idaho Territory

Dear Sir, I have

completed an ⁸Equinean Statue of Washington the material of which the same is constructed four years ago stood in the Payette Valley, in River County.

I here propose through you, His Excellency to present the statue to the Territory of Idaho.

Should there appear to be any merit in the work, sufficient to cause its acceptance, I shall feel not only gratified, but sufficiently rewarded.

Very Respectfully

Your H^o & S^o Friend

Charles Ostum

The following Reports were received from the Committee -

Mr Speaker, The Committee on Engrossed Bills, to whom was referred H.R. 38. "An Act to dissolve the bonds of matrimony existing between Andrew S. Valley and Anne S. Valley his wife - Have examined the same, and found it correctly engrossed, and herewith transmit the same to the Clerk of this House.

W. Green

Chairman

Mr Speaker, Your Committee on Judiciary, to whom was referred C. B. Ch. 26 - to define the Districts of the several District Attorneys of the Territory of Idaho, ask leave to report the same back to the House and recommend its passage.

Hubert

Chairman

Mr Speaker, Your Committee on Judiciary to whom was referred C. B. Ch. 28 - "An Act to Amend Section 90, of an Act relating to County Officers, have had the same under consideration, and ask leave to report the same back to the House, and recommend that the same do not pass; - for the reason that, the repealing of the Act will annul Section 90, in full force, which fees are too much for the services rendered, which fees were granted at a time when money was more plenty, and Officers, required fifty cents every time they looked at you - But now we think twelve and a half cents a look is sufficient.

Hubert

Chairman

Mr Speaker, Your Committee on Printing
to whom was referred H.B. No 19 - 20 & 21 - Beg
leave to submit the following Report, H.B. No
19 & 20, Correctly printed and allowed to
Lieuant at Arms for distribution - House
Bill No 21 - Relative to changing the name
of Oregon City, is found to be either incorrect-
ly supposed, or incorrectly printed, or
incorrectly worded before introduction,
which of the three your Committee is at
present unable to ascertain, but has retained
the printed copies for distribution, and
would recommend the erasure of "City"
and the substitution of "Town", so as to
make it read "Boyd Town", instead of
Boyd City, all of which your Committee
would respectfully submit.

Seth Carter

Chairman

The following Messages were received
from the Council.

Council Chamber

Boise City

January 7th 1869

Mr Speaker, I am instructed to inform
your Honorable Body that, the Council
has had under consideration, and adopted
C. C. R. No 18, providing for a Joint
^{Committee} Convention to make arrangements to
receive the Statue of Washington, which
is herewith transmitted.

J. H. Carter

Secretary of the Council

Council Chamber
Bosch City

January 7th 1869

Mr Speaker,

I am instructed to inform your Honorable Body that, the Council has had under consideration, and passed W.C.R. No. 6 - Inviting the Lodges of Mason and Odd Fellows to participate in the Ceremonies of the inauguration of the equestrian Statue of Washington.

J. Amos

Secretary of the Council

Mr Wright, offered the following Resolution, which was adopted.

Resolved, That Rule 1st of the House rules be amended to read as follows,

Rule 1st. The House shall meet each day of sitting at 10 o'clock A.M. unless the House shall adjourn to some other hour - A Majority of the House shall constitute a quorum.

Mr Callaway introduced ^{the following} W.C.R. No. 6 - which was adopted.

Resolved, By the House of Representatives, the Council concurring that, the Masonic fraternity, and Independent Order of Odd Fellows, be invited to participate in the Ceremonies of inauguration of the equestrian Statue of Washington on January 8th 1869.

Mr Shumaku, on leave introduced H.B. No. 41 - "An Act to prevent Stillium from running at large in Idaho Territory"

Read First and Second times, and referred to Committee on Military and Indian Affairs -

H.B. No 19 - "An Act to Amend Section 583 of the Civil Practice Act"

Read Third time, and on the question "Shall the Bill pass"? the Yeas and Nays were called.

~~Yeas 13, Nays 4~~

Yeas, Mr. Callaway, Campbell, Calkins, Forge, Goulden, Hart, Bailey, Wessman, Mayden, Kelly, McGinn, Moomie, Marx, Quinn, Shumaku, Wright, Mr Speaker,

Nays, Mr. Bell, Goodenough, and Linbeck -

Yeas, Scriven -

Nays - Three -

"So the Bill passed"

H. B. No. 21 - "An Act to change the name of Proyer City to Boyd City" - Read Third time, and on the question "Shall the Bill pass?" the Yeas and Nays were called -

~~Mr. Speaker~~

Yea, Messrs. Bell, Callaway, Carter, Foye, Gardmonagh, Goulden, Hank, Harlow, Kelly, Linbeck, Mooney, Marx, Quinn, Shumaker, Wright,

Nays, Messrs. Campbell, Freeman, Hayden, McGraw, Mr. Speaker,

Yea Fifteen -

Nays Five -

So the Bill passed -

Mr. Kelly gave notice that, he would on tomorrow move to reconsider the vote by which H. B. No. 21, passed.

H. B. No. 20 - "An Act to Amend the Quartz Law" - Was on Motion of Mr. Carter, laid on the table -

C. B. R. p. 26 ~

On Act to define the Districts of several District Attorneys of the Territory of Idaho. ~

Read Third time ~ And on the question "Shall the Bill pass ~" The Ayes and Nays were called ~

~~Mr. Butler~~

Yea ~ Mr. Bell, Callaway, Campbell, Catlin, Fogg, Goodenough, Goulden, Hart, Hulsey, Hunsman, Hayden, Kelly, McGraw, Moomy, Moxey, Quinn, Shumaker, Wright, Mr. Speaker,

Nays ~ Mr. Linbeck.

Yeas ~

Nays ~ One.

"So the Bill passed" ~

+ C. B. R. p. 18 ~ "Appointing Joint Committee to make arrangements to revise Statute" ~

Adopted, and Messrs. Moxey, Hart, and Goulden appointed on said Committee.

Mr. Catlin moved to reconsider Motion whereby C. B. R. p. 16 ~ was referred to Special Committee ~ Carried ~

p. 18. 12. 4. 7. 8. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.

C. C. R. 1864 - 'Creating Privileges'
 was now taken up - Read 5th time -
 and on the question 'Shall the Resolution pass?'
 The Ayes and Nays were called -

Charles R. Smith

Gen. Mr. Bell, Callaway, Campbell,
 Calkins, Fager, Gerdunough, Gossard, Hart,
 Bailey, Hummer, Hayden, Kelly, Linbeck,
 McGinn, Moore, Shumaker, Wright, Mr. Speaker.

Nays. Mr. Marx and Guinn.

Gen. Crighton -

Nays - Two -

"So the Resolution passed"

The following Communication was
 received from Boise Lodge No. 2 A. F. &
 A. M.

To the Hon. Speaker,
 and Members of the House of
 Representatives of the Legislative
 Assembly of Idaho -

Gentlemen, The honor of your
 attendance at the Installation of the Officers
 of Boise Lodge No. 2 - A. F. & A. M., at St. James
 Hall, on Friday, January 8th A.D. 1864, at
 2 o'clock, P. M. is solicited.

Committee

of Arrangements

We are, Gentlemen
 Yours of 5th Inst.

J. C. Guinn
 W. G. Redway
 A. Reed.

On motion of Mr. Marx, the invitation was accepted.

On Motion of Mr McQueen, the House
now took a recess until 2 o'clock P.M.

Afternoon Session
January 7th 1869

House assembled - Speaker at the Chair

Roll Called - Quorum present -

Mr Wright, offered the following Resolution
which was adopted.

Resolved,
That no further
printing be ordered by the House, unless upon
a vote of a Majority of the Members present.

Mr Bell, from the Committee on Corporations
made the following Report -
Your Committee
on Corporations to whom was referred
House Bill No. 39 - beg leave to report that,
they have had the same under consideration
and recommend its passage.

E. W. Bell

Chairman.

Mr Callaway moved to reconsider the vote by which H.B. No. 22. was made "Special Order" ~
Carried ~

Mr McGrew moved to make H.B. No. 22. Special Order for Saturday at 2 o'clock
Carried ~

The following Report was received from Select Committee to receive Bronze Statue of Washington ~

Mr Speaker, Your Special Committee of Three, charged with a like Committee of the Council to make arrangements for the presentation of the Bronze Statue of Washington to-morrow, have attended to the duties assigned to them, and report that, the reception will take place in front of Banks Exchange to-morrow at half past ten o'clock, and the Hon. Frank Canale is selected to receive the Donation on the part of the Legislature.

The Officer in Charge of the Government Troops at this place Colonel Sinclair, has kindly volunteered to parade the Troops at the Post on the occasion.

H. A. Goulden ~

Nathan May ~

H.B. Cant.

Committee

Order

On Motion of Mr Kelly - H.B. No. 39 -
"An Act to incorporate Malad City, in
Owyhee County" - Was now taken up -
Rolls Suspended - Considered Engrossed -
Read Third Time - And on the Question
"Shall the Bill pass"? The Ayes and Nays
were called -

~~H.B. No. 39 -~~

Yea, Messrs. Bell, Callaway, Campbell,
Calkins, Fogg, Goodenough, Goulden, Hart,
Harley, Hasselman, Hayden, Kelly, Linbeck,
McGraw, Murray, Marx, Quinn, Shumaker,
Wright, Mr. Speaker,

Nay - Truly -

Nays - A -

So the Bill passed -

Mr. Clark from the Judiciary Committee
made the following Report, Mr. Speaker,

Your Committee on Judiciary to whom
was referred H.B. No. 42. Concerning
the Amendment of Civil Practice Act
have had the same under consideration,
and ask leave to refer the same back to
the House, and recommend its passage.

Clark -
Chairman

Mr Clark, moved that H.B. No 42
Amending Civil Practice Act, be taken
up, and that the Rules be suspended -
Bill considered Engrossed, and placed
upon its final passage - Motion Lost -

H.B. No 42 - Ordered Engrossed -

Mr Mann gave the following notice

Mr Speaker, I will on tomorrow, or soon
after introduce a Memorial - Praying
for the establishment of a Mail Route from
Idaho City to Salmon City.

Mann -

House now adjourned until tomorrow
January 8th 1869 - at 9 o'clock - A.M.

Wm. D. Carey
Chief Clerk

Edw. E. Beatty
Speaker

Thirty third day.

House of Representatives
Boies City - January 8th 1860

House met pursuant to adjournment

Speaker in the Chair. Roll called, quorum present.

Journal of January 7th read and approved.

On motion of Mr. Mass, a call of the House was ordered.

Ans. Mr. Mass called Goodenough, East, Backus, Kelly and Simbeck.

On motion of Mr. Mass, proceedings under call of the House were dispensed with.

Mr. McLean from the Committee on Engrossed Bills, offered the following Report.

Mr. Speaker,

Your Committee on Engrossed Bills, to whom was referred H.R. No. 42, "An Act to regulate proceedings in civil cases in the Courts of Justice of the Territory of Kansas" approved December 15th 1859 and the Act amendatory thereto approved January 12th 1860.

Have examined the same and found it correctly engrossed and rewrite transmit the same to the Clerk of the House.

M. H. S.

Chairman.

Mr. Mass from the Committee on Military and Indian Affairs, offered the following report.

Mr. Speaker,

Your Committee on Military and Indian Affairs, to whom was referred H.R. No. 44, "An Act to provide for the raising of a large force, would respectfully submit, that we have had the same under careful consideration and would urge the Bill

back to the House, without recommendation

R. Massie

Chairman

Mr. Massie from the Committee on the Order of the day, reports the following programme.

Order of Proceedings

1. Music
2. President of the Council, Governor, Speaker of the House
3. Judges of the Supreme Court
4. The Artist and the Orators of the day
5. The Masonic Fraternity
6. The Odd Fellows
7. The Militia
8. The Council, Assembly, and Officers
9. Territorial Officers
10. Enclosures of the Union, Pacific R.R. Road
11. Members of the Bar
12. Citizens

Mr. Massie introduced H. R. 106. Praying for certain mail routes.

Read first and second times and referred to the Committee on Federal Relations.

H. R. 106. An Act to amend an Act relating to a certain system for

and on motions recommended to the Committee on Education.

H. H. Order Enacted

A.B. 42. An Act to amend an Act, regulating proceedings in civil cases in the Courts of Justice &c.

Read, third time, and on the question "shall the bill pass?" the yeas and nays were called.

Yea. Messrs Bell, Callaway, Campbell, Catlin, Foye, Goodrough, Goulden, Hart, Harley, Hunsman, Hayden, Kelley, Lybbett, McGuire, Moorey, Mann, Quinn, Shumaker, Wright and Mr. Speaker. 20.
Nays None.

Said Bill passed.

On motion of Mr. Kelley, a vote by which A.B. 21, An Act to change the name of Owyhee City to Boyd City, was reconsidered.

On motion the Bill was made the Special Order for Saturday at 6 o'clock P.M.

Mr. Vanhook introduced a Resolution, to the effect, that all House Bills, in the hands of the printer, and under process of printing, be recalled, which was read, and on motion adopted.

Mr. Catlin from the Committee on Education offered the following report

Mr. Speaker, Your Committee on Education brings forward A.B. 75 & 76 beg leave to report the same back to the House with amendments, and recommend its passage.

Respectfully,

Edw. Catlin

Chairman

A.B. 75 & 76, now read and on motion committed to the Committee on Education.

On motion of Mr. Murphy, the House adjourned
to meet on Saturday the 9th inst. at 10 o'clock A.M.

Ami L. Cayser

Prof. R. K. E. Brattley Speaker

dictums, approved December 14th 1867, and amended and approved Jan'y. 7th 1868

Also S.B. No 32. An Act granting leave of absence to O. S. Hughes County Commissioner in and for Ologhu County

Also S.C. R. No 6. granting leave of absence to John Taylor, Assessor and Ex. officer Tax Collector of Davis County

Also S.B. No 11. An Act entitled an Act defining the duties of constables.

Also S.B. No 1. An Act creating and organizing the County of Emmet.

Also S.B. No 6. An Act amending of an Act relating to mechanics liens.

have examined the same and found them correctly enrolled and on the 4th day of January A.D. 1869 at 13.30 P.M. presented them to the Governor for his approval.

A. Goodenough
Chairman

Mr. Marx on leave introduced S.B. No 43
An Act appropriating money to Charles Ostrum &c

Read first and second times and referred to the Committee on Ways and Means

The following message was received from the Governor.

Executive Order
Boise City, I. T. Jan'y 9th 1869

To
Hon. E. T. Beatty
Quarters of House

Edw. Sigel's name
Sir

I have the honor to return herewith

House Bills Nos. 1, 6, 11, 13, 18 and 32 which I have approved and signed,

Also House Concurrent Resolution No. 1 which I have signed

Very Respectfully,
Your Obedient Servant

Edw. Sigel

Governor of Idaho Territory

APB 41. An Act to prevent violations from running at large.
Read third time, and on the question "shall the Bill pass?" the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Carter, Forre, Goodenough, Goulden, Hart, Harley, Huskman, Bradley, Kelley, Lambert, McGrew, Moody, Marr, Quinn, Sumner, Wright and Mr. Speaker 19.

Nays. Mr. Campbell 1.

So the Bill passed.

Mr. Kelley gave notice that he would move to reconsider the vote by which the Bill passed.

APB 38. An Act to incorporate a Southern Agricultural Society. was on motion, committed to the Committee on Agriculture.

On motion of Mr. Lambert. APB No 20, was taken from the table.

APB 20. An Act to amend an Act relating to Gold and silver quartz lodes &c.

Read third time, and on the question "shall the Bill pass?" the yeas and nays were called.

Yeas. Messrs. Bell, Campbell, Goodenough, Lambert, McGrew and Marr 6.

Nays. Messrs. Callaway, Carter, Forre, Goulden, Hart, Harley, Huskman, Goodenough, Kelley, Moody, Quinn, Sumner, Wright and Mr. Speaker 14.

So the Bill did not pass.

On motion of Mr. Campbell the vote making APB No 21 the journal order for today at 6 P.M. was reconsidered.

On motion of Mr. Kelley, the House took a recess till 2 o'clock P.M.

Thurs. Oct. 2. 1890

House, re-assembled.

Speaker in the chair. Roll called. Quorum present.

H.B. 25. An Act to provide for the appropriation of certain school moneys, belonging to District No. 1 of Ada County.

Read third time, and on the question "shall the bill pass" the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Campbell, Loring, Egan, Goodenough, Goulden, Hart, Harley, Hesseman, Vander Kooi, Jimbeck, McNew, Mooney, Marx, Quinn, Schumaker, Upp, and Mr. Speaker.

20

Nays,

None.

So the bill passed.

H.B. 22. An Act to regulate the members of the Legislature, reported back to the House, with amendments.

On motion of Mr. Killeen, the House resolved itself into Committee of the whole, to take under consideration H.B. 22.

—

The Committee arose and ~~in the House~~ reported, recommending the adoption of the substitute and passage of the same.

On motion the House concurred in the recommendation of the Committee of the whole.

Substitute for H.B. 22. An Act to regulate the members of the Legislative Assembly.

Read the third time and on the question "shall the bill pass" the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Campbell, Loring, Goulden, Hart, Harley, Hesseman, Kelley, Jimbeck, McNew, Marx, Quinn, ~~Schumaker~~ and Mr. Speaker.

15

Yeas Messrs. Foye, Goodenough, Hayden, Munn
and Shumaker 5

So the Bill passed.

Mr. Catlin from the Committee on Education
offered the following Report. Mr. Speaker,

Your Committee
on Education to whom was referred S.B. No. 36, would
respectfully report back the accompanying substitute, and
recommend its passage.

John Catlin
Chairman

S.B. 36, was taken up for consideration, the
substitute reported back by the Committee was adopted.

Substitute for S.B. 36, An Act to amend
an act to establish a common school system &
read first and second times. Rules suspended
considered Engrossed. Read 3rd time and on the question "Shall
the Bill pass", the yeas and nays were called.

Yeas Messrs. Bell, Callaway, Campbell, Catlin
Eme Goulden, Hart, Hadley, Hussman, Hayden, Kuey, Linbeck
McInerney, Munn, Mack, Quinn, Shumaker, Wright and
Mr. Speaker 19

Nays Mr. Goodenough 1.

So the Bill passed.

Mr. Mann introduced the following Resolution
which was adopted.

Resolved.

That, S.B. No. 43, be
returned to the one that introduced the same.

The following message was received from
the Council

Council's Chamber
Dover, N.H. Jan. 9th 1869.

Mr. Speaker

I am instructed to inform your honorable

Body, that the Council, has had under consideration and adopted

C.B. No. 19. Appropriating One hundred and fifty dollars to defray expenses in the inauguration of Washington's Statute &c.

which is herewith transmitted, and respectfully ask your concurrence thereon

G. Amelis

Secretary of the Council

Council Chamber
Boise City, Jan'y 9th 1869

Mr. Speaker

I am instructed to inform your honorable body that the Council has had under consideration and passed

C.B. No 36, "An Act to repeal an Act to create a Territorial Prison Commissioner &c.

also C.B. No 19. "An Act to amend an Act for the Benefit of District Judges &c.

also that the Council has adopted

C.M. No. 7. Praying for an appropriation and bounty lands to the volunteers in the Indian wars of Idaho.

Also S.M. No 5. praying for a mail route &c. from Boise City via Middleton, Keene's Ferry, Edgards City, and Clarksville, to connect with the Unalakleet Road at Barker City Oregon.

all of which is herewith transmitted.

G. Amelis

Secretary of the Council

The following Communication was received and on motion ordered spread on the Journal

Hall of Boise Lodge No. 2. A.F. & A.M.
Boise City, I.D.

January 8th 1869.

Ed. W. Don: the Speaker &

Members of the House of Representatives

Legislature of Idaho Territory

Guthrie

Special Communication of Boise Lodge No. 2. A.F. & A.M. At a

held on the above date, in reply to the invitation of the Honorable Legislative Assembly of the Territory of Idaho, inviting the Masonic Fraternity to take part in the acceptance and inauguration of the Equestrian Statue of Washington, the following resolutions were adopted:

Resolved: That the Wards of Boise Lodge No. 2, A.S. & A.M. be invited to the Legislative Assembly of the Territory of Idaho, for the kind invitation extended to the Masonic Fraternity to participate with them in the ceremony attending the presentation to the Territory of the beautiful equestrian statue of the illustrious soldier, statesman and patriot and true Masonic Brother the great "Washington", and the brethren of the Lodge avail themselves of this occasion to express to that Honorable Body, their sincere gratification at the opportunity offered them to join with that Honorable Body in giving a public expression to the feelings of Love and Reverence, entertained by all patriots for him, who was justly called, the "Father of his Country".

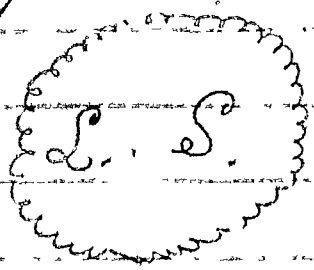
Resolved: That these resolutions be spread upon the minutes of this Lodge, and a copy thereof under the seal of this Lodge be transmitted to the Council and House of Representatives of the Territory of Idaho.

I hereby certify that the above is a true copy of the resolutions adopted at the communication of this Lodge, held on the above date.

By order of W.M.

Chas L Goldbaum

Secretary



C. C. R. 19. Relative to the appropriation of certain money to defray the expenses of the inauguration of the Equestrian Statue of Washington.

Read first and second times. Rules suspended. Read 1. Third time, and on the question "Shall the bill pass" Yeas and nays were called.

Yeas Messrs Bell, Callaway, Cather, Goodenough, Goulden, Hart, Harbo, Harman, Hayden, Kiser, McLean, Murray, Mass, Quinn, Wagner, and W. Speaker 16

Nays Mr Campfield
Absent Messrs Frye, Simbeck and Shumaker

So the Resolution was adopted.

C.B. 36, An Act to repeal an Act, creating a Territorial prison Commissioner &c.
Read first and second times, and referred to the Committee on Territorial Affairs.

C.M. 14. Praying for the appropriation of County Lands to the volunteers who fought the Battle of Shiloh.
Read first and second times, and referred to the Committee on Military and Indian Affairs.

C.B. 19. An Act to amend an Act for the benefit of District Judges &c.
Read first and second times and referred to the Committee on Judiciary.

Mr. Callaway, introduced the following Resolution which was adopted:
Resolved: That the Committee on printing be and they are hereby required to return all bills committed to them by Monday the 14th January at two o'clock PM.

On motion H.B. 21. An Act to change the name of Douglas City & Boyd town &c., was taken up for consideration.

Read the third time and on the question "Shall the Bill pass" the yeas and nays were called.

Yeas, Messrs. Bill Callaway, Campbell, Goodenough, Goulden, Hart, Harby, Shumaker, Kelly, Mooney, Quinn, Shumaker, Wright and Mr. Speaker. 14

Nays Messrs. Napier, Umbeck, McFarr and Marx. 4

Absent, Messrs. Gathen and Foye

So the Bill passed

Mr Campbell gave notice that, he would move for a reconsideration of the vote by which the Bill passed.

Mr Bell gave the following notice.

Mr. Speaker

I will give notice, that on Monday, I will introduce a Bill authorizing the Territorial Controller, to advertise in two papers, once a week for four weeks, for bids for the Territorial printing, i.e. Territorial Blanks, Warrants, Poll Tax receipts &c and that the printing of said blanks, shall be given to the lowest bidder.

Bell

On motion of Mr Max, the House then adjourned till Monday January 11th at 10 o'clock A.M.

Henry J. Cayce
Clerk

E. T. Beatty

Speaker

Thirty sixth day.

House Representatives
Boise City January 11th 1869.

House met pursuant to adjournment.

Speaker in the chair. Roll called, all present.

Journal of January 9th read and approved.

Mr Hayden, from the Committee on Federal Relations offered the following Report.

Mr Speaker

The Committee on Federal Relations, to whom was referred H. M. No. 6 "Praying for the establishment of a mail route from Idaho City in Boise County to Payson City in Boise County Idaho Territory," have had the same under consideration and recommend that it pass.

Hayden

Clerk

Mr Catlin from the Committee on Printing offered the following Report.

Mr Speaker

Your Committee on printing to whom was referred H. B. 1527 would respectfully report the same back to the House, correctly printed.

Geo Catlin

Clerk

Mr Speaker

Your Committee on printing to whom was referred House Bill Nos. 9, 30, 33, 34 and 35 herewith respectfully report them back to the House correctly printed and by the Sergeant at Arms may have been distributed.

Geo Catlin

Clerk

Mr. Harley from the Committee on Agriculture offered the following report

Mr. Speaker

Your Committee on Agriculture, to whom was referred S.H.B. No. 38, relating to the incorporation of an Agricultural Society, have carefully examined the same, and beg leave to report, that we believe said Bill should pass, being conducive to the advancement of the mechanical arts, sciences, agriculture, stock-raising and mining and thereby greatly increasing the Revenue of the Treasury

Harley

Chairman

Mr. McGrew from the Committee on Engrossed Bills offered the following Report.

Mr. Speaker

The Committee on Engrossed Bills to whom was referred S.H.B. No. 24 An Act to amend an Act entitled an Act defining the time of commencing civil actions approved January 28 1864 have examined the same and find it correctly engrossed and now transmit the same to the Clerk of the House

McGrew

Chairman

Mr. Mass from the Committee on military and Indian affairs, offered the following report.

Mr. Speaker: Your Committee on Military and Indian affairs to whom was referred S.H.B. No. 11 relating to the appropriation of money for the Indian war of 1864 have examined the same and recommend that it pass

Mass

Chairman

Mr. Wright from the Special Committee, consisting of the Ada and Ottawa delegations, offered the following report.

Mr. Speaker

Your Committee to whom was referred S.H.B. No. 3 relating to the boundary line between Ada and Ottawa Counties, beg leave to report the same back to the House without recommendation

Wright

Chairman

Wright

Kelly, Clerk

Mr Wright introduced the following resolution which was adopted.

Resolved.

That the Council be invited to meet the House in joint Convention on Tuesday the 12th day of January 1869 at 6 o'clock and thirty minutes P.M., to take into consideration the appointing of a Commission to compile or codify the laws of Idaho Territory, and such other matter as may be deemed of importance.

Mr Hart on leave introduced S.B. 44.

An Act to provide for the redemption of the outstanding warrants of Ada County &c.

Read first and second times - Rules suspended. Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Callin, Fox, Gordenough, Goulden, Hart, Harley, Hussman, Hayden, Kelley, Limbeck, McGrew, Moody, Mann, Quinn, Nease and Mr. Speaker.

Nays - Mr. Shumaker.

So the Bill passed.

Mr. Cambell on leave introduced S.B. 45.

An Act to repeal an Act, entitled an Act concerning Roads & Highways &c.

Read first and second times. Rules suspended. Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Callin, Fox, Gordenough, Goulden, Hart, Harley, Hussman, Hayden, Kelley, Limbeck, McGrew, Moody, Mann, Quinn, Nease, Wright and Mr. Speaker.

Nays

So the Bill passed.

Mr. Goidin, on leave, introduced H.B. No. 33.
An Act, to authorize the Auditor General to appoint an Auditor
Read the first and second times, being suspended
Read the third time and on the question "shall the Bill pass" the
yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Catlin, Foye,
Goodenough, Goulder, Hart, Harley, Hussman, Hayden, Kully,
Simbeck, McGrew, Morney, Marx, Quinn, Shumaker, Wright
and Mr. Speaker 20

Nays

"So the Bill passed."

Nones

H.B. 34. An Act entitled an Act, to adjust and appor-
tion the debt, between Boise, Ada and Owyhee Counties.
Read and on motion indefinitely postponed.

H.B. 35. An Act amendatory of and supplemental
to an Act to provide for a Board of Fire Commissioners for Idaho
City.

Read the third time and on the question "shall the Bill pass"
the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Catlin, Foye,
Goodenough, Goulder, Hart, Harley, Hussman, Hayden, Kully,
Simbeck, McGrew, Morney, Marx, Quinn, Shumaker, Wright
and Mr. Speaker 20

Nays

"So the Bill passed."

Nones

H.B. No. 4. An Act to provide for the disposition of lands forfeited
or lost in the towns and cities of Idaho Territory.

Read the third time and on the question "shall the Bill pass"
the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Catlin,
Goodenough, Goulder, Hart, Harley, Hussman, Wright and
Mr. Speaker 11

Nays Messrs Foye, Hayden, Kully, Simbeck, Morney,
Morney, Marx, Quinn and Shumaker 9.
So the Bill passed.

AB. 24. An Act, to amend an Act, entitled an Act defining the time of commencing Civil Actions.
Read the third time, and on the question "Shall the Bill pass?" the yeas and nays were called.

Yeas - Messrs. Campbell, Callan, Foye, Goulden, Hart, Huseman, Hayden, Kelly, McGrew, Mooney and Mr. Speaker. 11.

Nays, Messrs. Bell, Callaway, Goodenough, Harlow, Limbert, May, Quinn, Shumaker, and Wright. 9.
"So the Bill passed."

AB. 33. An Act to dissolve the bonds of matrimony between Andrew S. Holley and Nancy J. Holley.
Mr. Kelly on the chair.

A motion of Mr. Beatty's to indefinitely postpone the Bill was lost.

A motion of Mr. Beatty's to strike out the enacting clause was lost.

A motion of Mr. Beatty's to make the Bill the special order for this evening at 6.30 P.M. was lost.

Mr. Hart moved the previous question, seconded by Messrs. Callaway and Huseman.

A motion of Mr. Beatty's to adjourn until 2 o'clock P.M. was lost.

Mr. Hart moved the previous question, seconded by Messrs. Goodenough and Callaway.

A motion to adjourn until tomorrow at 10 A.M. was lost.

Mr. Hart moved the previous question, seconded by Messrs. Callaway and Huseman.

A motion of Mr. Marx's to take a recess till 2 o'clock was lost.

Mr. Hart moved for the previous question, seconded by Messrs. Callaway and Huseman.

A motion of Mr McClure, to take a recess till 2 o'clock. *Mr*
was lost.

A motion of Mr Beatty to take a recess till 6.30 O'clock was lost.
Mr Hart, moved the previous question seconded by Mr.
Goodenough.

A motion of Mr Beatty to adjourn till 3 o'clock. *Mr*
was lost.

A motion of Mr Beatty to strike out all after the Enacting
clause was lost.

Mr Hart moved the previous question, seconded by Messrs
Eusemann and Callaway.

A motion of Mr Beatty to adjourn until 1.30 PM was
lost.

Mr Hart moved the previous question, seconded by Messrs
Eusemann and Callaway.

A motion of Mr Beatty to adjourn until 4 PM was lost.

A motion of Mr Beatty to make the Bill the Special Order
for Saturday at 12 o'clock was lost.

A motion of Mr Cairns to lay the Bill on the table was
lost.

A motion of Mr Beatty, to strike out the last section
was lost.

Mr Hart moved the previous question, seconded by Messrs
Callaway and Eusemann.

A motion of Mr Beatty to adjourn until to-morrow
at 10 o'clock was lost.

A motion of Mr Beatty to recommend the Bill to the
Judiciary Committee was lost.

A motion of Mr Beatty that the Bill be referred to the
Committee on Education and Arts and Sciences was lost.

Mr Hart moved the previous question seconded by
Messrs Callaway and Eusemann.

A motion of Mr Beatty to adjourn until 12 o'clock to tomorrow was lost.

A motion to strike out the second section was lost.

A motion of Mr Beatty to refer the Bill to the Committee of the whole was lost.

Mr Stark moved the previous question seconded by Messrs Callaway and Quinn.

A motion of Mr Beatty to take a recess till 4 o'clock was lost.

^{A motion of} ~~Mr Beatty~~ Mr. Leather ^{seconded} to refer the Bill to the Committee on Federal Relations ~~was lost~~ was lost.

A motion of Mr Campbell to take a recess was lost.

Mr Stark called for the previous question.

A motion of Mr Campbell to take a recess for half an hour was lost.

A motion to adjourn was lost.

A motion to recommit was lost.

A motion of Mr Beatty to adjourn until 2 o'clock was lost.

Mr Marx offered an amendment to strike out the word dissolved and insert the word legalized, which on motion was laid on the table.

An motion of Mr Beatty the House ^{adjourned} ~~lost~~ at 2.30 P.M.

2.30. P.M.

House re-assembled

Speaker in the chair. Roll called, all present.

The following message was received from the Councils

Councils Chamber
Brazo City Jan'y 11th 1864

Mr. Speaker

I am instructed to inform

your Honorable Body that the Council, has had under consideration and adopted ^{and} passed C.B. No 30. An Act concerning religious social, benevolent and learned associations.

Also C.B. No 34. An Act to amend an Act to create a Territorial Prison Commission.

Also C.B. No 37. An Act to amend an Act entitled "An Act defining the duties, and fixing the salary of Territorial Comptroller &c."

Also C.B. No 25. An Act to provide a uniform system of Territorial and County Commissions and for the assessing and collecting of the same;

all of which is herewith transmitted

G. Amelio

Secretary of the Council

A motion of Mr Campbell, to reconsider the vote by which H.B. 21, was passed, was lost.

Mr Cattan from the Committee on printing offers the following Report

Mr Speaker,

Your Committee on Printing, to whom was referred H.B. 44, beg leave to report the same back to the House, correctly printed.

Seth Cattan,

Chairman

H.M. No 6. and H.B. No 38, were ordered Engrossed.

H.B. No 40. "An Act defining the Boundary line between Ada and Alameda Counties" was on motion made the Special order for Tuesday at 2 o'clock P.M.

H.B. 35. An Act concerning jurors.

On motion of Mr McCreary, the House resolved itself into Committee of the whole to take under consideration H.B. 35

3

The Committee arose, and reported the Bill back to the House with amendments recommending its passage as amended.

H.B. No 35. "An Act concerning jurors"
Read the third time and on the question "shall the bill pass"

the yeas and nays were called

Yeas. Messrs Bell, Callaway, Campbell, Ford, Goodenough, Goulden, Harby, Huxman, Halden, Kuy, Linnick, McKim, Mooney, May, Quinn, Shumaker, Wright and Mr. Spitzer

Nays, Mr. Collins
absent Messrs Stark and Marx
"So the Bill passed"

On motion the House took a recess till 6.30 PM

6.30 PM

House reassembled

Speaker in the chair. Roll called. All present.

C.B. No 30, An Act concerning religious, social, benevolent and learned associations.

Read the first and second times.

On motion of Mr. Marx the House resolved itself into Committee of the whole, on C.B. 30

Mr. Goodenough in the Chair

^{of the House} The Committee arose, and reported the Bill back to the House without recommendation.

On motion C.B. 30 was made the special order for Tuesday at 2 o'clock PM.

C.B. 31. An Act amending an Act defining the duties and fixing the salary of the Territorial Controller.

Read first and second times and referred to the Committee on Judiciary

C.B. 34 An Act to amend an Act, to create a Territorial prison Commissioner

Read first and second times and referred to the Committee on Judiciary

C.B. 25 An Act to provide a uniform system of Territorial and County Revenue.

On motion of Mr. Catlin the House resolved itself into Committee of the whole on C.B. 25.

The Committee arose, reported progress and asked leave to sit again.

On motion the report of the Committee was accepted.

On motion the House then adjourned to meet on Tuesday the 12th inst at 10. a.m.

Henry J. Caves
Prof. C. K. & T. Beatty Speakers

Thirty-seventh day.

House Representatives,
Boise City January 12th 1869

House met pursuant to adjournment.

Speaker in the chair. Roll called. All present.

Journal of January 11th read and approved.

Mr. Harley on leave, introduced H.R. 47.

"An Act concerning conveyances"

Read first and second times and referred to the Committee on Judiciary

Mr. Winchell on leave, introduced H.R. 48.

An Act to regulate the fees of the District Judges and Clerks.

Read first and second times and referred to the Committee on Judiciary

Mr. Hall from the Committee on Judiciary, offered the following report:

Mr. Speaker

Your Committee on Judiciary to whom was referred Council Bill No 34 and 34th have said the same under consideration, and ask leave to report the same back to the House and recommend their passage.

Yours

Wm. C. Brown

Mr. Speaker

Your Committee on Judiciary to whom was referred H.R. No 19. An Act to amend an Act for the benefit of the District Judges of Idaho Territory, ask leave to report the same back to the House and recommend its passage.

Yours

Wm. C. Brown

Mr. Callaway from the Committee on Federal Relations
offered the following report

Mr. Speaker

Your Committee on Federal Affairs to whom was referred H.R. 26, beg leave to report that they have had the same under consideration, and upon the same back to the House, and recommend its passage.

Callaway
Chairman

Mr. McGrew from the Committee on Engrossed Bills offered the following Report.

Mr. Speaker

Your Committee on Engrossed Bills to whom was referred H.R. 26, "Creating for the establishment of a Mail Route from Idaho City to Banner City in Idaho Territory," have examined the same and found it correctly engrossed, and herewith transmit it to the Clerk of the House.

McGrew

Chairman

Mr. Callahan from the Committee on Printing offered the following Report.

Mr. Speaker

Your Committee on Printing to whom was referred H.R. 26, would respectfully urge its passage back to the House, and its passage.

Callahan

Chairman

On motion of Mr. Foss, the vote by which H.R. 44 passed was recorded.

On motion H.R. 44 was made the Special order for Tuesday at 2 o'clock P.M.

The following messages were received from the Council

Council Chamber

Boise City, Jan. 12th 1863

Mr. Speaker

I am instructed to inform your Honorable

Body, what the Council has had under consideration and passed
H.B. 39. An Act to incorporate the City of Madrid in
Oneida County.

also H.B. 41. An Act to prevent stations from running
at large on State Territory.

also H.B. 45. An Act to regulate any Act concerning
Roads, Highways, Trails and public thoroughfares &c.

also H.B. 46. An Act to authorize the Comptroller
Treasurer to appoint an Assistant.

also H.B. 51. An Act creating the office of District
Attorney for each county in the State and defining their duties
&c.

also H.B. 58. An Act to appropriate an certain sum
of money for the benefit of Charles Estlin.

also H.B. No. 8. To the establishment of U.S. Mail
between Selma City and the town of On in Oregon County, N.Y.

G. Corbin

Secretary of the Council

Council Chamber

Pass City Jan'y 12th 1869

Mr. Speaker

I am instructed to inform your Honorable
Body that the Council has had under consideration and passed

H.B. 25. For the appropriation of certain certain money &c.

also H.B. No. 46. Substituted for H.B. No. 13 & 44. An Act
to provide increased compensation to the officers of this Territory &c.

also that the Council has adopted H.B. No. 10. Providing
for additional mail facilities in New York &c.

also H.B. No. 48. Providing redemption fund for
Alluvial land only &c., all of which is herewith transmitted.

G. Corbin

Secretary of the Council

H.B. No. 6. Providing for a mail Route from Selma
City to Ramoth City.

Read the third time and as the question
on all the Bill pass, the yeas and nays were called.

Yeas Messrs. Deane, Ballaway, Campbell, Smith, Jones,
Goodenough, Goulden, Hall, Harley, Hummer, Hayden, Kelley,
Simbeck, McGraw, Morney, Mark, Quinn, Shumaker, Wright and
Mr. Speaker

So the memorial passed.

Mr. Hart gave notice that he would move for a reconsideration of the vote by which the memorial passed.

Feb. 14. An Act to amend an act, to incorporate the South Boise Haygin Road Company.

Read the third time and on the question "shall the bill pass" the yeas and nays were called.

Yeas, Messrs. Bell, Leitch, Campbell, Catlin, Foye, Goodenough, Goulden, Hartley, Hesseman, Kelley, Lumbert, McQuinn, Moorey, May, Quinn, Shumaker, Wright and Mr. Speaker.

18.

Nays, Messrs. Hart and Stanger.

2.

So the Bill passed.

On motion the House resolved itself into Committee of the whole on Feb. 25.

Mr. McQuinn in the chair.

The Committee arose, reported progress, and asked leave to sit again.

On motion the report was accepted.

On motion the House took a recess till 2 o'clock, P.M.

2. O'clock, P.M.

House reassembled.

Speaker in the chair. Mr. J. C. Quinn in the chair.

The following message was received from the Council Chamber.

Boise City, Jan. 10, 1891.

Mr. Speaker.

Can be instructed to inform your honorable body that the Council have read and considered and passed H.B. 730.

An Act amendatory of an Act to provide a Board of the Commissioners of Idaho Cattle &c.

also H.B. 49. An Act to provide for the payment of certain Bonds, now in possession of W. H. H. &c.

All of which is herewith transmitted

G. Ansley

Secretary of the Council

H.B. 46. An Act to provide for increased compensation to the officers of this Territory &c.

Read first and second times. Rules suspended. Read the third time and on the question "Shall the Bill pass" the yeas and nays were called.

Yeas Messrs. Bell, Campbell, Leathin, Forre, Goodenough, Goulden, Hart, Harley, Hussman, Hayden, Kelly, Simbeck, McQuinn, Schumaker, Wright and Mr. Spenser 18

Nays.

Excused. Mr. Marx. Absent Mr. Callaway.

So the Bill passed

Mr. Hussman gave notice that he would move for a reconsideration of the vote by which the Bill passed.

On motion of Mr. Kelly the House resolved itself into Committee of the whole on H.B. 40.

Mr. Green in the chair

The Committee arose, and reported the Bill back to the House, without recommendation.

H.B. 40. An Act defining the Boundary line between Ada and Alturas Counties

Read the third time and on motion indefinitely postponed.

On motion of Mr. Marx, the House resolved itself into Committee of the whole on H.B. 44

Mr. Bell in the chair

The Committee arose, and reported the Bill back to the House with amendments, recommending its passage as amended.

H.B. 44. An Act to provide for the redemption of the outstanding warrants of Ada County &c.

Read the third time and on the question "shall the Bill pass" the yeas and nays were called

Yeas Messrs. Bell, Callaway, Campbell, Leathin, Forre, Goodenough, Hart, Harley, Hussman, Hayden, Kelly, McQuinn, Mooney, Marx and Mr. Wright 15

Nays. Messrs. Goulden, Simbeck, Quinn, Schumaker and Mr. 5

So the Bill passed.

The following message was received from the Council:

Council Chamber
Boise City Jan'y 12th 1869.

Mr. Speaker,

I am instructed to inform your Honorable Body that the Council has had under consideration and passed: -
Council Substitute for C.B. No 20, An Act to provide a fund for the redemption of and prescribing the manner of redeeming the outstanding warrants of Boise Co &c. which is herewith transmitted.

G. Amick

Secretary of the Council

The following message was received from the Governor

Executive Department.
Boise City 25 Jan'y 12th 1869.

Mr.

Mr. C. B. Gatter,
Speaker of the House,
Idaho Legislature

Sir,

herewith

Spencer Memorial No. 5. which I have signed
Very Respectfully,

Your Obedt. Servant

D. W. Ballard

Governor of Idaho Territory.

Mr. Leath on leave, introduced H.B. 49. An Act regulating the collection of Revenue in Owyhee County &c.

Read first and second times. Rules suspended.
Read the third time and on the question, "Shall the Bill pass" the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Collins, Ford, Gardiner,
Hart, Hady, Hazzman, Hayden, Kelley, McKim, Mooker, Mard
Quinn and McCough

Nays Messrs Goulden, Simbeck and Shumaker

Excused Mr. Speaker

So the Bill passed.

16

3

C.B. 48. An Act to provide for the redemption of the outstanding warrants of Alturas County &c.

Read first and second times and referred to the Alturas delegation.

C.B. 34. An Act to amend an act to create a Territorial Prison Commission.

Read the third time and on the question "shall the Bill pass", the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Campbell, Callio, Eys, Goodenough, Hart, Hussman, Hayden, Kelly, Simbeck, Mearns, ~~Mearns~~ Wright and Mr. Spearer. 14

Nays. Messrs. Goulden, Harley, McKew, Mearns, Quinns and Mr. Shumatter. 0

So the Bill passed.

C.B. 37. An Act to amend an Act, defining the duties and fixing the salary of the Territorial Controller.

Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Campbell, Eys, Hart, Hayden, Kelly, Simbeck, McKew, Mearns, Mearns, Quinns, Shumatter, Wright and Mr. Spearer. 15.

Nays. Messrs. Callio, Goodenough, Goulden, Harley and Hussman. 5

So the Bill passed.

C.B. 36. An Act to repeal an Act creating a Territorial Prison Commission &c.

Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas. Messrs. Callaway, Campbell, Goulden, Kelly, Simbeck, McKew, Shumatter, Wright and Mr. Spearer. 9

Nays. Messrs. Bell, Callio, Eys, Goodenough, Hart, Hayden, Hussman, Hayden, Mearns, Mearns, and Quinns. 11

"So the Bill did not pass."

Mr. Hart gave notice, that it would move for a reconsideration of the vote, by which the Bill was rejected.

C.B. 17. An Act to amend an Act for the benefit of the Detreted Judges &c.

Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas. Messrs. Bell, Campbell, Callio, Eys, Goodenough,

Start, Hayden, Kelley, McChew, Mooney, May, Quinn, Shumaker
and Mr. Speaker

Yap. Messrs. Leullaway, Goulden, Harley, Newman, Simbeck
and Shumaker

So the Bill passed.

On motion the House took a recess till 6 o'clock. 14.

6 o'clock. 15.

House reassembled

Speaker in the chair. Roll called - all present.

C.B. 41. An Act to provide a redemption fund for Ada County
etc.

Read first and second times ^{on this day} and indefinitely postponed.

Amended in C.B. 20. An Act to provide for the redemption
of the outstanding warrants of Boise County etc.

Read first and second times. Rules suspended.
Read third time, and on the question "shall the Bill pass" the
yeas and nays were called.

Yeas! Messrs. Bell, Leullaway, Campbell, Leallen, Tapp
Goodenough, Start, Harley, Newman, Hayden, Kelley, Mooney,
May, Quinn & Wright

Nays. Messrs. Goulden, Simbeck, McChew, Shumaker and
Mr. Speaker

"So the Bill passed."

The following messages were received from the Council
Council Chamber
Boise City, Jan'y 12th 1869.

Mr. Speaker.

I am instructed to inform your Honorable Body
that the Council, has read, under consideration and passed
C.B. 41. An Act to create a redemption fund in Ada County
which is herewith transmitted.

G. Currier

Secretary of the Council

Council Chamber

Boise City, Jan'y 12th 1869

Mr. Speaker.

I am instructed to inform your Honorable Body.

has had under consideration and adopted the following Resolution:
 Resolved, By the Council, that in consequence of the great amount of important business now pending and the near approach of the end of the session, it is deemed inexpedient to accept the invitation of the House to go into joint convention for the purpose of considering the propriety of codifying the laws, and the Council therefore respectfully declines the invitation.

G. Ansley

Secretary of the Council

C. M. No. 10 Praying for a certain mail route -

Read first and second times & Rules suspended. Read the third time and on the question "Shall the memorial pass" the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Callin, Frye, Gorden, Gould, Hart, Harley, Hussman, Hauden, Kelley, Simbeck, McSpur, Mooney, Moss, Quinn, Shumaker, Wright and Mr Speaker -

20

Nays.

None

"So the memorial passed."

C.B. 38. An Act to appropriate a certain sum of money to Charles Ostry.

Read first and second times, and referred to the Committee on Ways and Means.

C.M. No. 8. For a mail route between Sloss City and On-

Read first and second times and referred to the Committee on Federal Relations.

C.B. 49. An Act to provide for the payment of certain books, &c.

Read first and second times and referred to the Committee on Ways and Means.

C.B. 31. An Act, creating the office of District Attorney for each County &c.

Read first and second times and referred to the Committee on Judiciary.

C.B. 30. An Act concerning religious, social, benevolent, and learned Associations.

Read the third time and on the question "Shall the Bill pass" the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Callin, Goulden, Hauden,

Hassman, Hayden, Sunduck, McInnis, Morrey, May, Shimada,
 Wright and Mr. Speaker
 15.
 Nay. Messrs. Fox, Goodenough, Harley, Kelley and Sumner.
 "So the Bill passed"

On motion of Mr. McInnis, the House, resolved into Committee
 of the whole on C.B. 25.

Mr. McInnis in the chair.

The Committee arose, reported progress, and asked leave to sit
 again.

On motion the report was accepted.

On motion of Mr. Campbell the House, then adjourned
 to meet on Wednesday, January 13th at 10 A.M.

Wm. C. Gay
 Chief Clerk E. F. Beatty Speaker

Thirty-eighth day.

House Representatives
Boise City January 13th 1869

House met pursuant to adjournment

Speaker in the chair. Roll called. Quorum present

Journal of January 12th read and approved

Mr. East from the Judiciary Committee offered the following Report

Mr. Speaker,

Your Committee on Judiciary to whom was referred Council Bill No 31, concerning an Act to create the office of District Attorney for each County of this Territory &c, have had the same under consideration, and do now report the same back to the House and recommend that the same pass.

East

Chairman

Mr. Catlin from the Committee on Printing offered the following Report

Mr. Speaker,

Your Committee on Printing to whom was referred H.B. No 16, beg to report the same back to the House concisely printed

Respectfully

Seth Catlin

Chairman

Mr. McNew from the Committee on Engrossed Bills offered the following report.

Mr. Speaker,

The Committee on Engrossed Bills to whom was referred H.B. No 38. An Act to incorporate a Territorial Agricultural Society, and to appropriate money for its support. Have examined the same, and found it correct, and do now herewith transmit the same to the Clerk of the House.

McNew

Chairman

Mr. Gardner from the Committee on Federal Relations
offered the following Report.

Mr. Speaker

Your Committee on Federal Relations has viewed Council Memorial No. 8, beg leave to report that they have ~~examined~~^{read} the same under consideration, and respectfully refer the same back to the House, with the recommendation that it pass.

W. Gardner

Chairman

Mr. Goodenough from the Committee on Enrolled Bills
offered the following Report.

Mr. Speaker

The Committee on Enrolled Bills, have examined and found correctly enrolled.

S.B. No 46. An Act to authorize the Territorial Treasurer to appoint an Assistant

also, S.B. No 41. An Act to prevent stallions from running at large,

also, S.B. No 45. An Act concerning Roads, Highways, ^{Gravel} and public thoroughfares,

and on this 12th day of January A.D. 1869 at 4 o'clock & 30 m. Mr. presented them to the Governor for his approval.

A. Goodenough

Chairman

Mr. Speaker

Your Committee on Enrolled Bills has viewed S.M. No 5. Memorializing Congress for an appropriation to be made for establishing a semi-weekly mail from Boise City, ID via Middleton, Henry's Ferry, Colorado City, and Clarksville, to connect with the Union Pacific Route at Baker City, Oregon, and on this 12th day of January A.D. 1869 at 10 o'clock Mr. presented it to the Governor for his signature.

A. Goodenough

Chairman

Mr. Wright introduced S.C.R. No. 4, in reference to the Territorial prison site

Read and on motion adopted.

Mr. Quinn, introduced a Resolution, reciting that H.R. 21 from the Council for further consideration which was lost.

On motion of Mr. Hall, the vote by which C.B. 36, was rejected, was reconsidered.

C.B. 36. An Act to repeal an Act, creating a Territorial Prison Commissioner &c.

Read the third time and on the question "shall the Bill pass?" the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Campbell, Catlin, Ford, Goulden, Hart, Harley, Husman, Hayden, Kelley, McGrew, Mooney, Marx, Quinn, Shumaker, Wright and Mr. Speaker

18

Nays

None

Absent Mr. Simbick. Excused Mr. Goodenough
"So the Bill passed"

H.B. 26 was taken up for consideration.

On motion of Mr. Hall, the vote by which H.B. 26 was ordered Engrossed, was reconsidered.

The Bill was then amended, the amendments adopted, rules suspended, and the Bill considered Engrossed, and

H.B. 26. An Act to provide for the disposition of town property in Boise City &c. was considered Engrossed.

Read the third time and on the question "shall the Bill pass?" the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Campbell, Catlin, Ford, Goodenough, Goulden, Hart, Harley, Hayden, Kelley, McGrew, Mooney, Marx, Quinn, Wright and Mr. Speaker

19

Nays Messrs. Husman and Shumaker

2

Absent Mr. Simbick

"So the Bill passed"

C. M. No. 8. For a mail route between Silver City and Oro-

Read the third time and on the question "shall the Bill pass, the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Campbell, Catlin, Ford, Goodenough, Goulden, Hart, Harley, Husman, Hayden, Kelley, McGrew, Mooney, Marx, Quinn, Shumaker, Wright and Mr. Speaker

19

Nays

None

Absent Mr. Simbick

So the Bill passed

HB. 38. An Act to incorporate a Territorial Agricultural Society &c.

Read the third time and on the question "shall the Bill pass," the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Foye, Goulder, Hart, Harley, Mooney, Shumaker, Wright and Mr. Speaker 11

Nays Messrs Goodenough, Hussman, Hayden, Kelley, McQuinn, Marx and Quinn 4

Absent Mr. Callan. Excused Mr. Simbeck.

So the Bill passed

HB. 16. An Act to amend an Act to levy a tax of one per cent on the gross proceeds of toll roads &c.

Read the third time and on the question "shall the Bill pass," the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Callan, Foye, Goodenough, Goulder, Hart, Hussman, Hayden, Kelley, Simbeck, McClure, Mooney, Marx, Quinn, Shumaker, Wright and Mr. Speaker 19

Nays - Mr. Harley 1

So the Bill passed.

Mr. Callaway gave notice that he would move to reconsider the vote by which the Bill passed.

On motion of Mr. Hart, the notice for reconsideration was laid on the table.

HB. 31. An Act creating the office of District Attorney for each County &c.

Read the third time, and on the question "shall the Bill pass," the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Callan, Foye, Goodenough, Goulder, Hart, Harley, Hussman, Hayden, Kelley, Simbeck, McQuinn, Mooney, Marx, Quinn, Shumaker, Wright and Mr. Speaker 20

Nays

None

So the Bill passed.

On motion of Mr. Callan the House resolved itself into Committee of the whole on HB 25

for Hart in the Chair.

The Committee arose, reported progress, and asked leave to sit again.

On motion of Mr. Crossman, the House took a recess till
2 o'clock P.M.

2 o'clock P.M.

House assembled

Speaker in the chair, Roll called. Quorum present.

On motion a call of the House was ordered. Absent, Messrs. Wash,
Simbeck and Wright

On motion further proceedings under call of the House, were dispensed
with

The following messages were received from the Council

Council Chamber
Boise City, Jan'y 13th 1869

Mr. Speaker

I am instructed to inform your Honorable Body that
the Council, has had under consideration and passed

C.B. 54. An Act concerning Corporations as Amended by
order

also C.B. 59. An Act to Amend an Act, requiring parties to
contribute towards maintaining Courts of Justice &c

also that the Council has adopted C.M. No 12. Praying
for mail routes from Elviston to Elk City

all of which is herewith transmitted

G. Ainslie

Secretary of the Council

Council Chamber
Boise City, Jan'y 13th 1869

Mr. Speaker

I am instructed to inform your Honorable Body that
the Council has had under consideration and passed

C.B. 19. An Act to amend Sec 5-83 of the Civil practice Act.

also C.B. 32. to Authorize the County Commissioners of Alameda
County to levy and collect a special tax &c

also C.B. 42. Appropriating money to pay, John Carpenter &c

" C.M. 11. Praying for mail facilities for Washington & Idaho

" C.B. 32. An Act to create a Board of Co. Commissioners &c

That the Council has adopted and passed a substitute for C.B.
No 29 an act, fixing the time of commencing civil actions

also that the Council has adopted and passed a substitute for A.S.
No 29. An Act to incorporate Boise City &c.

also that Council has amended H.B. 35 An Act, amending law, and passed the same as amended

Also that Council has indefinitely postponed: H.B. No 28. An Act to amend Civil practice Act &c

All of which is herewith transmitted

G. Amelio

Secretary of the Council

Mr. Catlin from the Committee on printing offered the following Report

Mr. Speaker

Your Committee on printing would respectfully report: S.B. No 49, correctly printed

Seth Catlin

Chairman

Your Committee would also recommend that the bill be forthwith reported to the Council from whence it came and where it properly belongs

Seth Catlin

Chairman

Mr. McClure from the Potosi County delegation offered the following Report

Mr. Speaker

The Committee, consisting of the Potosi County delegation, to whom was referred S.B. 36. An Act fixing the salaries and fees of certain officers of Potosi County

Have had the same under consideration, and have adopted a substitute and recommend the passage of the same.

Potosi Co. delegation

Mr. Keller from the Committee on Traps and Means offered the following reports

Mr. Speaker

Your Committee on traps and means, to whom was referred L.B. 38. An Act to appropriate a certain sum of money for the benefit of Charles Oetner

Your Committee would be leave to report the same back to the House, and recommend its passage.

Keller

Chairman

Mr. Speaker

Your Committee to whom was referred L.B. 49. An Act to provide for the payment of certain books

now in the possession of Mills, Fargo & Co.

Your Committee would be glad to report
the same back to this House, and recommend its passage.

Kelley

Chairman

The following message was received from the Governor

Executive Department
Boise City I. T. Jan'y 13th 1869

Fr. Am. E. E. Pratty,
Speaker of the House
Idaho Legislature.

Sir,

I have the honor to return

herewith

House Bills Nos 41 and 45 which I have approved and
signed

Very Respectfully,

Your Obedt Servt.

Sto Ballard

Governor of Idaho Territory

C.B. 38. An Act to appropriate a certain sum of
money for Charles Ostner

Read the third time, and on the question "shall the
Bill pass" the yeas and nays were called

Yeas. Messrs Bell, Keallaway, Campbell, E. E. Pratty, Goodenough,
Goulden, Hart, Harley, Huson, Mayden, Kelley, McPherson,
Mooney, Marx, Quinn, E. Humaker, Wright and Mr. Speaker 18

Nays -

None

Absent Messrs Cutler and E. C. K.
"So the Bill passed"

House Substitute to C.B. 24. An Act fixing the salary
of certain officers in Boise County.

Substitute adopted. Read first and second times
Rules suspended, considered Engrossed. Read the third time, and on
the question "shall the Bill pass" the yeas and nays were called.

Yeas. Messrs Bell, Keallaway, Campbell, Pratty, Goodenough,
Goulden, Harley, Huson, Mayden, Kelley, Vincent, E. E. Pratty,
Mooney, Marx, Quinn, E. Humaker, Wright and Mr. Speaker 18

Nays -

None

Absent Messrs Hart and Kelley
"So the Bill passed"

Mr. Cattin, introduced A.M. No. 1. In relation to appropriations for assistance in tunnelling the War Eagle Mountain.

Read the first and second times, Rules Suspended, considered Engrossed. Read the third time, and on the question "shall the memorial be passed," the yeas and nays were called.

Yeas. Messrs. Campbell, Cattin, Goulden, Harley, Huxman, Hayden, Kelley, McClure, Mooney, Marx, Quinn, Wright and Mr. Speaker.

Nays. Messrs. Callaway, Foye, Goodenough and Shumaker.

Absent. Messrs. Hart and Simbeck. Excused Mr. Bell.
So the memorial passed.

On motion of Mr. Campbell, the House resolved itself into Committee of the whole on C.B. 25.

Mr. Kelley in the chair.

The Committee arose, reported progress and asked leave to sit again.

On motion the House took a recess till 6 o'clock P.M.

6 o'clock P.M.

House re-assembled.

Called to order by Mr. McClure, in the absence of the Speaker.

On motion Mr. McClure, was chosen, Speaker pro tem.

Roll called. Quorum present.

On motion, a call of the House was ordered, and on motion further proceedings under the call ^{of the House} dispensed with.

C.M. No. 12. Paying for mail facilities for visitors to C.M. City & T.

Read the first and second times, Rules Suspended, Read the third time and on the question "shall the memorial pass" the yeas and nays were called.

Yeas. Messrs. Campbell, Cattin, Foye, Goodenough, Goulden, Harley, Huxman, Hayden, Kelley, McClure, Mooney, Marx, Quinn, Shumaker, and Wright.

Nays.

None.

Absent. Messrs. Callaway, Hart, Simbeck and Mr. Speaker.
Excused Mr. Bell.

So the memorial passed.

C. W. No. 11. Praying for certain mail facilities?

Read the first and second times. Rule suspended. Read the third time, and on the question "shall the memorial pass" the yeas and nays were called.

Yeas, Messrs. Bell, Campbell, Foyle, Goodenough, Goulder, Hart, Harby, Harsman, Hayden, Riley, McQuib, Money, MacQuinn, O'Hanlon, & Wright. 16

Nays

None.

Abigail M. Simbuck and Mr. Speaker.

Excused. Mr. Callaway
"So the ~~Bill~~ ^{memorial} passed"

C.B. 59. An Act to amend an Act, requiring parties to contribute towards maintaining Courts of Justice &c.

Read the first and second times, and referred to the Judiciary Committee.

C.B. 52. An Act to amend an Act to authorize the County Commissioners of Alluras County to levy a special tax &c.

Read the first and second times and referred to the Judiciary Committee.

C.B. 42. An Act to provide for the payment of John Carpenter, &c.

Read the first and second times and referred to the Committee on Ways and Means.

C.B. 54. An Act concerning corporations &c.

Read the first and second times and referred to the Committee on Corporations.

Council Substitute for C.B. 59. An Act to amend an Act to incorporate Perry Lakes.

Read the first and second times and referred to the Adm. County delegation.

Council Substitute for C.B. 24. An Act to amend an Act defining the time of commencing civil actions.

Read the first and second times and referred to the Committee on Ways and Means.

C.B. 35. An Act concerning jurors, returned from the Council with amendments.

On motion the Council amendments were concurred in by the House.

Mr. Hart from the Ada County delegation offered the following report.

Mr. Speaker,

Your Committee to whom was referred Substitute for H.B. 29, have had the same under consideration and would refer the same back to the house, and recommend its passage.

Callaway
Mugger
Wash

C.B. 49. An Act to provide for the payment of certain Books &c.

Read the third time and on the question, "shall the Bill pass" the yeas and nays were called.

Yeas- Messrs. Bell, Callaway, Campbell, Cattin, Goodenough, Goulden, Harley, Hayden, Kelley, Simbeck, McGrew, Moore, May, Quinn, Shumaker, Wright 16

Nays

None.

Absent Messrs. Fox, Huseman and Mr. Speaker

Excused, Mr. Hart

So the Bill passed

Council Substitute for H.B. 29. An Act to amend an Act incorporating Boise City.

Substitute adopted. Read the third time, and on the question "shall the bill pass" the yeas and nays were called.

Yeas- Messrs. Bell, Callaway, Campbell, Goodenough, Goulden, Hart, Huseman, Hayden, Kelley, McGrew, Moore, May, Quinn, Shumaker and Wright 15

Nays Messrs. Cattin, Harley and Simbeck 3

Absent, Mr. Fox and Mr. Speaker

So the Bill passed.

The following message was received from the Council:

Council Chamber
Boise City, Jan. 13/16

Mr. Speaker,

I am instructed to inform your honorable body that the Council has considered and passed House Substitute to Council Bill No. 24, and said Bill is herewith transmitted.

Geo. A. Smith
Secretary of the Council

Mr. May gave notice that he would move for a reconsideration of the vote by which Council Substitute to H.B. 29. was passed.

H.B. 32. An Act, creating a Board of County Commissioners, &c.

Read the first and second times and referred to the Judiciary Committee.

On motion of Mr. Campbell the House resolved itself into Committee of the whole on H.B. 25.

Mr. Callaway on the Chair.

The Committee arose, and reported the Bill back to the House, with amendments, recommending its passage as amended.

On motion the amendments of the Committee of the whole were concurred in by the House.

H.B. 25. An Act to provide, a uniform system of Territorial and County Revenue and for the assessing and collecting the same.

Read the third time, and on the question "Shall the Bill pass," the yeas and nays were called.

Yeas, Messrs. Bell, Callaway, Campbell, Carter, Ford, Goodenough, Goulden, Hart, Worley, Hussman, Hayden, Miller, Vincent, McSpren, Mooney, May, Quinn, Schmale and Wright.

Nays.

None.

Absent, Mr. Spigner.
Sole Bill passed.

On motion of Mr. Hussman, the House, this adjourned to Thursday, January 14th at 10. Am.

Wm. J. Gay
Chas. J. Gay

E. J. Beatty

Speakers

Thirti-ninth day

House Representatives
Basis City, Jan'y 14th 1869

House met at 9.30 A.M.

Speaker in the chair. Roll called. Quorum present.

On motion a call of the House was ordered.
Further proceedings under the call were dispensed with.

Journal of January 13th read and approved.

Mr. Hart from the Committee on Judiciary offered the following Reports

Mr. Speaker, Your Committee on Judiciary to whom was referred Council Bill No 32, concerning County Commissioners have had the same under consideration, and advise that they report the same back to the House with amendments, and as so amended would recommend its passage.

Start.
Chairman

Mr. Speaker, Your Committee to whom was referred C.B. No 59 "An Act to amend an Act to require parties to contribute towards maintaining Courts of Justice" Report, the same back to the House and recommend its passage.

Hart.
Chairman

Mr. Speaker, Your Committee on Judiciary to whom was referred C.B. No 52, have had the same under consideration and recommend its passage.

Hart.
Chairman

Mr. Goodenough from the Committee on Enrolled Bills, offered the following Reports

Mr. Speaker, The Committee on Enrolled Bills have examined and found correctly Enrolled S.B. No 25. An Act to provide for the appropriation

of certain school monies belonging to School District No. 1 of Ada County, Idaho Territory.

Also. H.B. No 39. An Act to incorporate the City of Malad in Oneida County.

also. H.B. No 30. An Act amendatory of and supplemental to "An Act to provide for a board of fire Commissioners for Idaho Territory, and on this 13th day of Jan. A.D. 1869, at 3 o'clock 3 m P.M. presented them to the Governor for his approval.

A. Goodenough
Chairman

Mr. Speaker.

The Committee on Enrolled Bills have Examined and found correctly Enrolled H.B. No. 19. An Act to amend Section Five hundred and eighty two of the ~~Code~~ ^{Statutes} of the Territory and Act entitled an Act to regulate proceedings in Civil cases in the Courts of Justice in the Territory of Idaho.

Also Substitute for H.B. No 24. An Act fixing the salaries and fees of certain officers in Boise County, and on this 14th day of January ^{A.D. 1869} at 12 o'clock & 45 m Am presented them to the Governor for his approval.

A. Goodenough
Chairman

The Committee on Corporations agreed the following majority and minority reports.

Mr. Speaker

Your Committee on Corporations have had under consideration, Council Bill 54, and beg leave to submit a majority report, recommending its passage.

Bell
Simbeck

Mr. Speaker

I have carefully examined H.B. 54. An Act concerning corporations, I disapprove of the passage of said Act, considering it a monopoly, giving too much power to a few individuals on the public domain.

O. J. Lewis

Mr. Kelley from the Committee on Drain and Reclamation offered the following Resolution:

Mr. Speaker

Your Committee on Drain and Reclamation, to whom was referred H.B. No 42, have had the same under consideration and report the same back to the

House, and recommends that it pass.

Kelley
Chairman

Mr. Speaker,

Your Committee on Ways and Means to whom was referred H.B. No 24 and also substitute for H.B. 24. Your Committee would beg leave to report the same back to the House, and recommend the passage of the substitute.

Kelley
Chairman

Mr. Goulden offered the following Resolution which was adopted.

Resolved: by the House of Representatives, that the Council are hereby invited to meet the House in joint Convention on tomorrow December 15th at 2 o'clock P.M., to hear the address of the orator of the Fifth session of the Idaho Legislature, and to attend to any other business that may come before the convention.

W. J. Fox, Secy

Mr. Thuesman, offered the following Resolution which was lost.

Resolved: That this House, go into an immediate Election for Speaker pro tem.

Mr. Kelley offered the following Resolution which was adopted.

Resolved: That Council Bill No 48, which was referred to the Alvaria delegation be immediately returned to this House.

A motion of Mr. Cattin to reconsider the vote by which H.B. 16 passed, was lost.

The following messages were received from the Council.

Council Chamber
Boise City, Jan'y 14th 1869.

Mr. Speaker

I am instructed to inform your honorable Body, that the Council has had under consideration, and passed,

C.B. No 33. An Act for the relief of Thomas George, &c.

C. Substitute for C.B. 29. An Act to amend an Act to regulate proceedings in civil cases &c.

C.B. No 40, An Act in relation to a Senator's Law Library.

Council Concurrent Resolution No 26. To pay P. E. Edmundson for services as Clerk for Revenue Committee.

also. C. M. No 9. For donation of lands, to Idaho Territory for
Prisoners
all of which is herewith transmitted

G. Ainslie
Secretary of the Council

Council Chamber
Pocatello, Jan'y 11th 1864

Mr. Spear

I am instructed to inform your Honorable Body
that the Council has had under consideration, Substitute for H.B.
No. 22, and has adopted a Council Substitute, therefor and passed
the same, which is herewith transmitted

G. Ainslie
Secretary of the Council

Council's Substitute for House Bill
Act to appropriate the members of the Legislature

Substitute adopted. Read the third time
and on the question "Shall the Bill pass" the yeas and nays were
called

Yea. Messrs. Peas, Callaway, Campbell, Leathin, Forge,
Goodenough, Goulden, Hart, Harley, Hussman, Hayden, Kelley,
McLennan, Mooney, May, Quinn, Wright and Mr. Spearer - 18
Nay. Mr. Shumaker
Absent. Mr. Simbeck

"So the Bill passed"

The following message was received from the Governor

Executive Department
Pocatello, I. T. Jan'y 11th 1864

To Hon. E. T. Peckley
Speaker of the House
Legislative Assembly.

Sir:

I have the honor to return herewith
House Bills Nos. 25 and 26 which I have approved and signed
Very Respectfully,

Your Obedt Servt.
S. W. B. B. B.
Governor of Idaho Territory.

C.B. 33. An Act for the relief of Thomas Enge, late Assessor and ex officio Tax Collector of Erie County &c.
 Read the first and second times, Rules suspended
 Read the third time
 a motion to make it Bill the special order for 6 o'clock.
 PM was lost.

On the question shall the Bill pass the yeas and nays were called.

Yeas. Messrs Callaway, Campbell, Catter, Goulden, Harley, Hayden, Kelley, McLean, Mooney, Marx, Quinn, Shumaker, Wright and Mr. Speaker 14.

Nays. Messrs Bell, Goodenough, Hart, and Hussman 4.

Excused. Mr. Fry.

Absent. Mr. Simbeck

"So the Bill passed"

Mr. Marx gave notice that he would move for a reconsideration of the vote by which the Bill passed.

On motion the House took a recess till 6 o'clock. PM

Sat. October 11. PM.

House assembled

Speaker in the chair

Roll called. Quorum present.

C.B. 32, An Act creating a Board of County Commissioners &c.

The Amendments offered by the Committee adopted. Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas. Messrs Bell, Callaway, Campbell, Catter, Enge, Goodenough, Goulden, Hart, Harley, Hussman, Hayden, Kelley, McLean, Mooney, Marx, Quinn, Shumaker, Wright and Mr. Speaker 19.

Nays.

None.

Absent Mr. Simbeck

"So the Bill passed."

Mr. Goodenough from the Committee on Enrolled Bills, offered the following Report

Mr. Speaker

The Committee on Enrolled Bills, have examined and found correctly enrolled

H.B. No 35. "An Act concerning jails" and on the 14th day of January 1869. at 4 o'clock P.M. presented the same to the Governor for his approval.

A. Goodenough
Chairman

H.B. 59. An Act to amend an Act, requiring parties to contribute towards maintaining Courts of justice &c.

Read the third time and on the question "shall the Bill pass", the yeas and nays were called.

Yeas, Messrs Bell, Callaway, Foye, Goodenough, Goulden, Hart, Harley, Hayden, Kelly, McGrew, Mooney, Quinn, Wright and Mr. Speaker. 15.

Nays. Messrs Catlin, Hussman and Marx. 3.

Absent Messrs Campbell and Simbier. 2.

So the Bill passed.

H.B. 52. An Act to amend an Act to authorize the County Commissioners of Alluras County to levy and collect and Special tax.

Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas. Callaway, Catlin, Foye, Hart, Hussman, Hayden, Kelly, McGrew, Mooney, Shumaker, Wright and Mr. Speaker. 12.

Nays. Messrs Bell, Goodenough, Goulden, Harley, Marx and Quinn. 6.

Absent Messrs Campbell and Simbier.

So the Bill passed.

H.B. 42. An Act to appropriate money to pay for Carpenter.

Read first and second times, and referred to a special Committee consisting of Messrs Hart, Foye, and Campbell.

The Special Committee consisting of the Citizens delegation, offered the following report.

Mr. Speaker

As one of your Special Committee composed of the delegation from Alluras County, to whom was referred H.B. 42. An Act to provide a fund for the redemption of, and prescribing the manner of redeeming the outstanding warrants drawn upon the Treasurers of Alluras County, and further to provide for the payment of all the current expenses of said Alluras County, we have the honor to most earnestly recommend its passage for the following reasons:

1st That Alluras County is deeply in debt, and worse off financially than any County in the Territory, in proportion to her population and value of assessable property, and that some such bill as this is absolutely necessary to prevent utter financial ruin.

2nd That this bill meets the views of a majority of the representatives of Alluras County and has been carefully examined by them.

3rd That on account of the near close of our session, there is no time to draw up and present any new bill or make any amendment to this one.

4th Because this Bill I feel confident, will meet the hearty approval of at least nine tenths of the people of Alluras County.

5th Because this Bill does no injustice to any scrip holder, but in fact improves the general fund. Taxes under this bill must be paid in cash, and heretofore no money was paid into the General Fund, except from license sources; and in this bill ample allowance is made to redeem the warrants on the forty five percent fund.

6th If this or some such bill is not passed Alluras County will become utterly bankrupt.

All of which is very respectfully submitted

Metropolitan

Chairman

Mr. Speaker.

Your Committee to whom was referred C.B. No 48. An Act to provide a fund for the redemption of and prescribing the manner of redeeming the outstanding warrants drawn upon the treasury of Alluras County, &c. would respectfully represent, that they have had the same under careful consideration, and after a thorough investigation find that the features of said bill are detrimental to the best interests of Alluras County, and also against the wishes of the citizens and taxpayers of said Alluras County, therefore your Committee report the same back to the House, recommending the same to be indefinitely postponed.

Lewis Dimbeck

The following message was received from the Council

Council Chamber
Wichita City, Kan. 14th Nov

Mr. Speaker

I am instructed to inform you that

Body that the Council has had under consideration and passed
 C.B. No 63. An Act to amend an Act entitled an Act
 in relation to the Clerk of the Supreme Court, &c.
 also that the Council has amended S.B. 44. by
 adding and passed the same as amended
 which is herewith transmitted

G. Amelio

Secretary of the Council

C.B. 57. "An Act concerning corporations"

Read the third time and on the question "shall the
 Bill pass" the yeas and nays were called.

Yeas Messrs. Bell, Callaway, Campbell, Catter, Goodenough, Hart, Harley, Hayden, Kelley, Simbeck, McLean,
 Money, Marx, Wright and Mr. Speaker 15

Nays Messrs. Pope, Goulden, Kussman, Quinn and
 Shumaker 5

So the Bill passed.

S.B. 44. An Act to provide for the redemption of the
 outstanding warrants of Ada County, &c.

Returned from the Council with amendments,
 On motion the Council amendments were concurred in by
 the House.

C.B. 63. An Act to amend an Act relating to the Clerk
 of the Supreme Court.

Read the first and second times and referred to the
 Judiciary Committee.

C.B. 65. An Act in relation to a Criminal Law Library.
 Read the first and second times, Rules suspended, Read
 the third time and on the question "shall the Bill pass" the
 yeas and nays were called.

Yeas Messrs. Bell, Callaway, Campbell, Catter, Pope,
 Goodenough, Goulden, Hart, Harley, Kussman, Hayden, Simbeck,
 Money, Marx, Quinn, Shumaker, Wright and Mr. Speaker 18

Nays
 Absent Messrs. Kelley and McLean
 "So the Bill passed"

C. C. R. No. 20. To Pay P. E. Edmonson, the sum of One hundred dollars.

Read the first and second times. Rules suspended. Read the third time and on the question "Shall the resolution be adopted?" the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Cattin, Goodenough, Goulden, Harby, Hussman, Hayden, Simbeck, McCreu, Mooney, Marx, Quinn, Wright and Mr. Speaker 15.
Nays. Messrs. Campbell, Frye and Shumaker 3.
Absent. Messrs. Hart and Kelly

So the Resolution was adopted.

C. M. No. 9. Relative to the donation of public lands for Territorial purposes.

Read the first and second times. Rules suspended. Read the third time and on the question "Shall the memorial pass?" the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Campbell, Cattin, Goodenough, Goulden, Hart, Harby, Hussman, Hayden, Simbeck, McCreu, Mooney, Quinn, Shumaker, Wright and Mr. Speaker 15.
Nays. Mr. Frye 1.
Absent. Messrs. Kelly and Marx
"So the memorial passed"

C. B. 48. An Act to provide for the redemption of the outstanding warrants of Alturas County, &c -

Read the third time.
A motion to indefinitely postpone was lost, and on the question "shall the Bill pass?" the yeas and nays were called.
Yeas. Messrs. Callaway, Campbell, Cattin, Frye, Goodenough, Hart, Hayden, Kelly, and Mooney. 6.
Nays. Messrs. Goulden, Harby, Hussman, Simbeck, Marx, Quinn, Shumaker, Wright and Mr. Speaker 10.
"So the Bill did not pass"

Substitute for H. B. 24. An Act to amend an Act defining the time of commencing civil actions.

Read the third time, and on the question "Shall the Bill pass?" the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Campbell, Cattin, Frye, Goulden, Hart, Hussman, Hayden, Kelly, Mooney, Marx, Quinn, Shumaker, Wright and Mr. Speaker 16.
Nays. Messrs. Goodenough and Harby 2.
Absent. Messrs. Simbeck and McCreu
So the Bill passed.

Mr. Goulden, introduced H.C.R. No. 9. Giving Extra Compensation to certain officers; which was read and adopted.

Substitute to C.B. 29. An Act to amend an Act, to regulate proceedings in civil cases &c.

Read the first and second times, Ayes suspended Read the third time, and on the question "Shall the Bill pass" the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Goodenough, Goulden, Hart, Harley, Hussman, Hayden, Kelley, McGraw, Morney, Marx, Quinn, Shumaker, Wright and Mr. Speaker 14

Nays: Messrs. Edlin and Forge 2
about Mr. Simbeck.

So the Bill passed.

Mr. Hart, offered the following resolution which was adopted.

Resolved: That the Committee appointed to report amendments to C.B. #2, make the report at present time, and send up amendments and Bill to the Clerk.

C.B. #2. An Act appropriating money to pay John Carpenter

Amendments reported by the Committee were adopted.
Read the third time and on the question "Shall the Bill pass" the yeas and nays were called.

Yeas Messrs. Callen, Goodenough, Hart, Hayden, Kelley, McGraw, Marx and Wright 8

Nays: Messrs. Bell, Callaway, Campbell, Forge (Harley, Hussman, Morney, Quinn and Shumaker) 9

About Mr. Speaker, Simbeck and Goulden

So the Bill did not pass

Mr. Callen on leave introduced H.B. 50.

An Act to authorize the Territorial Treasurer to issue duplicate Bonds. &c.

Read the first and second times and referred to the Committee on Ways and Means.

Mr. Callen on leave introduced H.B. 51. An Act to amend an Act entitled an Act, in relation to Commencement.
Read the first time and referred

Mr Callaway on leave, introduced C.B. 52.

An Act defining the time of holding elections in Idaho Territory

Read the first and second times, rules suspended, Read the third time, and on motion, laid on the table.

On motion of Mr Wright the vote by which C.B. 48 did not pass, was reconsidered

C.B. 48. An Act to provide for the redemption of the outstanding warrants of Alameda County &c.

Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas. Messrs Callaway, Campbell, Curtis, Foy, Goodenough, Hart, Wiley, Hayden, Moorey, May, Wright

Nays. Messrs Bell, Griddle, Huseman, McLean, Quinn and Summation

Not voting Mr Kelly & Mr Sparker

Absent Mr Simbeck

So the Bill passed

The following message was received from the Council
Council Chamber

Price City, Jan'y 14th 1869.

Mr. Sparker

I am instructed to inform your Honorability, that the Council has had under consideration and passed C.B. No 4. An Act, to authorize the County Commissioners of Price County to collect a special tax. &c - which is herewith transmitted

G. Currier

Secretary of the Council

C.B. 67. An Act to authorize the County Commissioners of Price County to levy a special tax

Read the first and second times, rules suspended, Read the third time and on the question "shall the Bill pass" the yeas and nays were called;

Yeas. Messrs Bell, Callaway, Curtis, Foy, Hart, Wiley, Hayden, Kelly, May, Moorey, Wright and Mr Sparker

Nays. Messrs Campbell, Goodenough, Griddle, Huseman Quinn and Summation

absent, Mr Simbeck

So the Bill passed

A motion of Mr. Curtin's to reconsider the vote by which A.B. 51. was rejected, was indefinitely postponed.

On motion A.B. 33. was taken from the table.

A.B. 33. An act to dissolve the bonds of matrimony between Andrew J. Holley and Nancy J. Holley.
Read the third time and on the question "Shall the Bill pass", the yeas and nays were called.

Yea. Messrs. Bell, Callaway, Goodenough, Goulden, Hart, Hayden, Moore, Schumacher and Wright.

Nay. Messrs. Campbell, Curtin, Fox, Harley, Kiley, McCreary, Marx, Quinn and Mr. Speaker.

Absent Messrs. Hussman and Simbeck.

So the Bill did not pass.

On motion the House then adjourned to meet on Friday January 15th at 11. Am.

Wm. L. Ayres
Chief Clerk

E. J. Beatty

Speaker

Fortieth day.

House Reunited
Boice held January 15th 1869.

House met pursuant to adjournment

Speaker in the chair. Roll called. Quorum present.

Journal of January 14th read and approved.

Mr. East from the Committee on Judiciary offered the following report.

Mr. Speaker

Your Committee, to whom was referred S.B. 48, An Act to regulate the fees of Probate Judges and S.B. 44, Concerning Conveyances, have been informed by your Committee and they would respectfully ask leave to refer them back to the House and would recommend that they be indefinitely postponed.

East

Chairman

Mr. Kelley from the Committee on Ways and Means offered the following report.

Mr. Speaker

Your Committee to whom was referred S.B. 50 would report the same back without recommendation.

Kelley

Chairman

Mr. East from the Committee on Judiciary offered the following Report.

Mr. Speaker

Your Committee to whom was referred S.B. 63, beg leave to report the same back, and recommend its passage.

East

Chairman

Mr. East introduced the following Resolution which was adopted:

Resolved, that the Committee appointed to examine and report on the condition of the Perks of the Territories and Treasurer and Comptroller, make their report and give reasons for not reporting at an earlier day.

The following message was received from the C.

Council Chamber
Pais City, Jan'y 15th 1869.

Mr. Speaker

I am instructed to inform your Honorable Body that the Council has had under consideration and passed
W.B. 49. An Act to regulate collection of Revenues, and to provide certain funds &c, for Burying Grounds
which is herewith transmitted.

Geo. Ainslie

Secretary of the Council

The following message was received from the Governor

Executive Department
Pais City, I.T. Jan'y 15th 1869

To
Hon. C. E. Pratty
Speaker of the House
Idaho Legislature.

Sir.

I have withheld my approval of House Bill No. 46, for the following reasons.

First. The duties of the office of Treasurer, do not appear to me to be so onerous, as to give any grounds for creating the office of Assistant Treasurer.

Second. No duties are prescribed for the Assistant Treasurer if it is intended that he shall perform the duties of the Treasurer, then the law ought to prescribe that his acts shall be legal, that he should have the right to administer oaths, to receipt for and pay out the public moneys as prescribed by law. Making the Treasurer responsible for his Assistant's Acts, does not make the Acts legal in themselves.

Third. If there is a necessity for such an office, then the office ought to be selected and shown to the People, and appointed in the same manner, that the Treasurer is appointed, and its responsibilities should attach. There is too much responsibility in receipting for, safely keeping, and paying out the public moneys, to be delegated to another person by the Treasurer at any time or place that may suit his convenience.

Very respectfully,

Your Obedt. Servant
W. C. Ballou
Governor of the Territory

The following message was received from the Council

Council Chamber
Pois City Jan. 14th 1869

Mr. Speaker

I am instructed to inform your Honorable Body that the Council has had under consideration and passed

C.B. No 61. An Act for the protection of Game &c with a rider.

also. C. C. R. No 25. providing payment to Poiss City Postmaster for Post Rent &c.

also that the Council has adopted. C. Substitute for A.B. No 14. An Act supplementary &c

all of which is herewith transmitted

G. Ainslie

Secretary of the Council

Mr. Kelley on leave introduced A.B. 53. "An Act to amend an Act relating to homestead property &c.

Read the first and second times. Rules suspended. Read the third time and on the question "Shall this Bill pass" the yeas and nays were called.

Yeas. Messrs. Bell, Callaway, Goulden, Hart, Harlan, Kelley, Moore, Quinn, Shumaker, Wright and Mr. Speaker. 11

Nays. Messrs. Campbell, Leathen, Goodenough, Hussman, Hayden, Simbeck, McInnes and Marx 8.

absent Mr. Foye.

'So the Bill passed'

Mr. Goulden on leave, introduced A.B. 54. An Act to amend an Act relating to transcribing the records of Alturas and Poiss Counties.

Read the first and second times. Rules suspended. Read the third time and on the question "Shall this Bill pass" the yeas and nays were called.

Yeas. Messrs. Callaway, Campbell, Leathen, Foye, Goodenough, Goulden, Hart, Harlan, Hayden, Kelley, Simbeck, McInnes, Moore, Marx, Quinn, Shumaker, Wright and Mr. Speaker. 18

Nays. Mr. Hussman

Excused Mr. Bell

'So the Bill passed'

The following message was received from the Council

Council Chamber
Pois City, Jan'y. 15th 1869

Mr. Speaker

I am instructed to inform your Honorable Body that the Council has had under consideration and adopted C.B.R. No 24. Providing for an appropriation for John Carpenter which is herewith transmitted.

G. Amelie

Secretary of the Council

C.B. 63. An Act to amend An Act, relating to the duties of the Clerk of Supreme Court,

Read the third time and on the question shall the Bill pass the yeas and nays were called.

Yeas. Messrs Bell, Callaway, Campbell, Carlin, Forge, Goodenough, Goulden, Hart, Harley, Hussman, Hayden, Kelly, Simbeck, McGrew, Mooney, Quinn, Wright and Mr. Speaker 18

Nays. Mr. Shumaker 1

Absent Mr. May

So the Bill passed

C.B.R. No 23. Providing for extra compensation to certain clerks of the Legislature.

Read the first and second times, Rules suspended, Read the third time, and on the question shall the Resolution be adopted the yeas and nays were called.

Yeas. Messrs Bell, Callaway, Campbell, Carlin, Forge, Goodenough, Goulden, Hart, Harley, Hussman, Hayden, Kelly, Simbeck, McGrew, Mooney, Quinn, Wright and Mr. Speaker 18

Nays. Mr. Shumaker 1

Absent Mr. May

So the Resolution was adopted

C.B.R. No 25. Providing payment to Poiss City, postmaster

Read the first and second times, Rules suspended, Read the third time and on the question "Shall the Resolution be adopted" the yeas and nays were called.

Yeas. Messrs Bell, Callaway, Campbell, Carlin, Forge, Goodenough, Goulden, Hart, Harley, Hussman, Hayden, Kelly, Simbeck, McGrew, Mooney, Quinn, Wright and Mr. Speaker 19

Nays

None

Absent Mr. May

So the Resolution was adopted

C.B.R. No 26, Authorizing the Chairman of the Committee to inquire into Books of Territorial Treasurer and Controller, to continue investigation.

Read the first and second times, and referred to a special committee consisting of Messrs. Stark and Leathers.

The following message was received from the Council

Council Chamber
Boise City, Jan. 5th, 1869

Mr. Speaker,

I am instructed to inform your Honorable Body that the Council has had under consideration and passed C.B. No 53. An Act amending an Act, entitled an Act concerning Roads, Highways, Trails and Public Throughfares, &c.

also C.B. No 39. An Act regulating the Council's discipline and management of the Territorial Prison &c.

also C.B.R. No 23. Providing compensation for the Chief Clerk, and Journal Clerk for extra work &c.

also H.C.R. No 6. Providing increased compensation for certain attaches of Both Houses.

also C.B.R. No 26, Authorizing the chairman of the Special Committee to continue Examination of Treasurer and Controller's Book &c.

also C.M. No 13. Authorizing Congress to regulate tariffs on certain railroads.

also H.M. No 1, in regard to Tunneling near Eagle Mountain, in Owyhee Co. I.T. all of which is herewith transmitted.

G. Amelie

Secretary of the Council

On motion the House took a recess till 2 o'clock P.M.

Two o'clock P.M.

House reassembled.

Speaker in the chair.

Roll called. Quorum present.

On motion a call of the House was ordered, on motion further proceedings under the call having been dispensed with.

Mr. May introduced the following Resolution which was adopted.

Resolved: That the Committee appointed to investigate the accounts of the Territorial Treasurer and Controller.

in the matter
be required to report to the House, this action, immediately.

On motion of Mr Campbell, the vote by which C.C.R. No 23 was adopted, was reconsidered.

C.C.R. No 23. Providing for extra compensation to certain
Clerks of the Legislature

Amendments were offered and adopted, and on the question shall the Resolution be adopted, the yeas and nays were called.

Yeas. Messrs Bell, Campbell, Coattin, Forge, Goodenough, Goulden, Hart, Harley, Hussman, Hayden, Melnes, Money, Man, Quinn, Shumaker and Mr Speaker 16

Nays - Mr Kelley 1

Excused Mr Simbeck

Absent. Messrs Callaway and Wright

So the Resolution was adopted.

Mr Goodenough from the Committee on Enrolled Bills
offered the following report.

Mr. Speaker,

The Committee on Enrolled Bills have examined and found correctly enrolled.

Substitute for H.B. No 22. An Act to re-appoint the members of the Legislative Assembly of the Territory of Idaho.

also H.B. No 24. An Act to amend an act entitled "defining the time of commencing civil actions, and on the 14th day of January A.D. 1869, at 10 o'clock A.M. presented the same to the Governor for his approval.

A. Goodenough
Chairman

Mr. Speaker,

The Committee on Enrolled Bills have examined and found correctly enrolled H.C.R. No. 9 and on this 13th day of January A.D. 1869, at 11 o'clock, and 12 m A.M. presented the same to the Governor for his approval. Signature

A. Goodenough
Chairman

Mr. Goulden introduced H.C.R. No. 12, "Giving Extra Compensation to certain attachés"

Read first and second times. Rules suspended, Read the third time and on the question, "Shall the Resolution be adopted," the yeas and nays were called.

Yeas. Messrs Bell, Callaway, Campbell, Coattin, Forge, Goulden, Hart, Harley, Hussman, Hayden, Kelley, Simbeck

Morney, Marx, Quinn, Wright and Mr. Speaker - 14
 Ayes. Mr. Shumaker
 absent Messrs. Gallen and Goodenough.
 So the Resolution was adopted

The following message was received from the Council

Council Chamber
 Price City, Jan'y 15th 1869.

Mr. Speaker

I am instructed to inform your Honorable Body
 that the Council has adopted

Cl. R. No 28, and respectfully
 ask your concurrence thereto.

also that the Council has passed Council
 Substitute for Cl. R. No 30.

also Cl. R. No 56. An Act to provide for
 payment of Territorial Printing,
 which is herewith transmitted

G. Ainslie

Secretary of the Council

Council Substitute for H.B. 14. An Act to amend an
 Act incorporating the South Price Wagon Road Company

Substitute adopted, Read the third time and
 on the question "shall the Bill pass" the yeas and nays were called.

Yeas Messrs. Bell, Callaway, Campbell, Forge, Goulden,
 Harley, Keller, Lambert, McNew, Morney, Marx, Quinn,
 Shumaker and Mr. Speaker 14

Nays. Messrs. Hart, Newman, Snyder and Mr. Wright. 4

Absent. Messrs. Gallen and Goodenough

"So the Bill passed"

Cl. R. No 28, Providing increased compensation to
 certain Clerks

Read the first and second times, Rules suspended.
 Read the third time and on the question "shall the Resolution
 be adopted," the yeas and nays were called.

Yeas, Messrs. Callaway, Campbell, Forge, Goodenough,
 Goulden, Hart, Harley, Newman, Snyder, Keller, Lambert,
 McNew, Morney, Marx, Quinn, Shumaker, Wright and
 Mr. Speaker 14

Nays

None

Absent Messrs. Bell, Gallen and Goodenough

So the Resolution was adopted

C.B. 56. An Act to provide for the payment of certain printing

Read the first and second times, Rules suspended, Read the third time and on the question "Shall the Bill pass" the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Catter, Foye, Goulden, Hart, Harley, Hussman, Hayden, Kelley, McGrew, Mooney, Marx, Quinn, Shumaker, Wright and Mr Speaker. 18

Nays None.
"So the Bill passed"

C.B. No 27. To provide for the payment of John Carpenter

Read the first and second times, Rules suspended. Read the third time, and on the question shall the Resolution be adopted, the yeas and nays were called.

Yeas Mr Callaway, Foye, Hart, Harley, Hayden, Kelley, McGrew, Mooney, Marx, Quinn, Wright and Mr Speaker. 12

Nays Messrs Campbell, Catter, Goulden, Hussman, and Shumaker. 5

Absent Messrs Goodenough and Simbeck

Excused Mr Bell

So the Resolution was adopted.

C.M. No 13. Praying Congress to regulate the tariffs on the Central Pacific Railroad

Read the first and second times, Rules suspended, Read the third time, and on the question "Shall the memorial pass" the yeas and nays were called.

Yeas Messrs Bell, Callaway, Campbell, Catter, Foye, Goulden, Hart, Harley, Hussman, Hayden, Kelley, McGrew, Mooney, Marx, Quinn, Shumaker, Wright and Mr Speaker. 18

Nays None.

Absent Messrs Goodenough and Simbeck

"So the memorial passed"

C.B. 30. An Act to authorize the Electoral Enquirer to send duplicate Bonds, &c.

Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas Messrs Bell, Callaway, Catter, Hart, Harley, Hayden, McGrew, Mooney, Marx, Quinn, Shumaker, Wright and Mr Speaker. 13.

Nays Messrs Campbell, Foye, Goulden, Hussman and Kelley. 5

Excused Mr Goodenough. Absent Mr Simbeck.

"So the Bill passed"

LB. 64. An Act for the protection of Gamers.
Read the first time and on motion rejected.

Substitute for LB 50. To provide for the improvement of the Capitol
Square.
Read the first time and on motion rejected.

HB. 48. An Act to regulate the fees of the Probate Court &c.
Read the third time and on motion, indefinitely postponed.

The following message was received from the Council

Council Chamber.
Boise City, Jan'y 15th 1869.

Mr. Speaker

I am instructed to inform your Honorable Body
that the Council has had under consideration and adopted
C. C. R. No. 29. Granting leave of absence to F. B. Bulten
Sheriff of Boise County, Id.
also has passed LB. 66. For publication of Laws. 5th Session
also HB. 53. An Act to Exempt Homesteads
which are herewith transmitted.

Yrs. Amelie

Secretary of the Council

The following message was received from the Governor

Executive Department
Boise City, Id. Jan'y 15th 1869

To Mr. E. T. Beatty,
Speaker of the House
Idaho Legislators

Sir

I have the honor to return herewith
House Bill No 10. and Substitute for HB. No 24. and Substitute
for House Bill No 24. which I have approved and signed.

Very Respectfully

Your Obedt. Servt.

Geo. Ballard
Governor of Idaho Territory

HB. 44. An Act concerning conveyances.
Read the third time, and on motion indefinitely
postponed.

LB. 39. An Act to regulate the council discipline and management of the Territorial Prison.

Read first and second times. Rules suspended. Read the third time and on the question "Shall the Bill pass" the yeas and nays were called.

Yeas - Messrs Bell, Callaway, Campbell, Cather, Goodenough, Hart, Harley, Hussman, Hayden, Kelley, McGraw, Mooney, Mann, Quinn, Shumaker, Wright and Mr. Speaker

Nays - Messrs Foye and Goulden

Absent Mr. Simbuck

So the Bill passed.

The following message was received from the Council Council Chamber

Paris City, Jan'y 15th 1869

Mr. Speaker

I am instructed to inform your Honorable Body that the Council has had under consideration and rejected

LB. 21. An Act to change the name of Owyhee City in this District Owyhee Co. I.T.

Geo. Amalie

Secretary of the Council

LB. 53. An Act amending an Act, concerning Roads Highways &c.

Read the first and second times. Rules suspended. Read the third time and on the question, "Shall the Bill pass" the yeas and nays were called.

Yeas - Messrs Bell, Callaway, Campbell, Cather, Foye, Goodenough, Goulden, Harley, Hussman, McGraw, Mooney, Mann, Quinn, Wright and Mr. Speaker.

Nays - Messrs Hart, Kelley and Shumaker

Absent Messrs. Hayden and Simbuck.

So the Bill passed

LB. No 29. Granting leave of absence to Frank B. Bullen &c.

Read the first and second times. Rules suspended. Read the third time, and on the question "Shall the Resolution be adopted" the yeas and nays were called.

Yeas - Messrs Bell, Campbell, Cather, Foye, Goodenough, Goulden, Harley, Hussman, Hayden, Kelley, McGraw, Mooney, Mann, Quinn, Wright and Mr. Speaker

Nays - Messrs Hart, Callaway and Shumaker

So the Resolution was adopted

left. 66. An Act to provide for the publication of the laws of the 5th Session in a newspaper.

Read the first and second times and referred to the Committee on printing.

The following message was received from the Council

Council Chamber,
Pine City, Jan'y 15th 1869

Mr Speaker,

I am instructed to inform your Honorable Body that the Council has had under consideration and passed, Substitutes for C.B. 30 & 35. An Act to amend an act as to Enrolled from Commissioners &c.

Also C.B. no 65. An Act for the relief of S.R. Howell.
also C.B. 51. An Act relating to common carriers and Insurance Companies.

which is herewith transmitted.

G. Amislie
Secretary of the Council

Mr. Goodenough from the Committee on Enrolled Bills offered the following Report.

Mr. Speaker,

The Committee on Enrolled Bills, have examined and found correctly enrolled S.B. 49. An Act to regulate the collection of the revenues and to provide certain funds for the County of Croghan.

Also S. M. No. 1. Memorializing Congress in regard to mines in Croghan County. And on the 15th day of January at 10 o'clock, presented same to the Governor for his approval.

C. Goodenough
Chairman

C.B. 51. An Act relating to Common carriers and Insurance Companies

Read the first and second times, Rules suspended.
Read the third time, and on the question "Shall the Bill pass" the yeas and nays were called.

Yea Messrs Bell, Callaway, Campbell, Long, Goodenough, Hall, Halsey, Huesman, Kelley, McLean, Mooney, Marx, Wright and Mr. Speaker

Nay Messrs. Catlin, Spaulden, Hayden, Simons, 17
Lunn and Summner 6

So the Bill passed.

The following message was received from the Council,

Council Chamber
Pine City Jan'y 15th 1869.

Mr. Speaker

I am instructed to inform your Honorable Body that the Council has had, under consideration and passed, S.B. No. 16, Relating to School law &c., which is herewith transmitted.

I also that the Council has indefinitely postponed, S.B. No. 50. An Act authorizing the Territorial Treasurer to issue duplicate bonds &c.

G. Ainslie

Secretary of the Council

On motion the House took a recess till 6.30 P.M.

6.30. P.M.

House reassembled

Speaker on the chair. Roll called, Quorum present.

The following message was received from the Council.

Council Chamber

Pine City Jan'y 15th 1869.

Mr. Speaker

I am instructed to inform your Honorable Body that the Council has had under consideration and adopted

C.B.R. No. 30, and passed S.B.'s Nos 26, 54 and 38, and has adopted C.M. No. 14 and H.C.R. No. 8, which is herewith transmitted.

G. Ainslie

Secretary of the Council

Mr. Catlin from the Committee on printing, offered the following report.

Mr. Speaker

Your Committee on printing, to whom was referred C.B. 66, beg leave to report the same back to the House and recommend its passage.

Sub Catlin

Chairman

HB. 65. An Act for the relief of S. R. Howells. Secretary of the Treasury.

Read the first and second times, Rules suspended, Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas - Messrs Bell, Callaway, Catter, Goodenough, Goulden, Hart, Harley, Hussman, Kelley, Simbeck, McGraw, Morrey, Marx, Quinn, Shumaker, Wright and Mr. Speaker. 14.
Nays - Messrs Campbell, Foy and Hayden. 3.
So the Bill passed.

Mr. Pratty on leave introduced HB. 55. "An Act to provide for the purchase of a law library for the use of the Supreme Court."

Read the first and second times. Rules suspended, Read the third time, and on the question shall the Bill pass the yeas and nays were called.

Yeas - Messrs Bell, Callaway, Catter, Goodenough, Goulden, Harley, Hussman, Hayden, Kelley, Simbeck, McGraw, Morrey, Quinn, Wright and Mr. Speaker. 15.
Nays - Messrs Campbell, Hart, Marx and Shumaker. 4.

Absent Mr. Foy.

So the Bill passed.

HB. 66. An Act to provide for the publication of the laws of the 5th Session. &c.

A motion to indefinitely postpone the Bill was lost -

Read the third time and on the question "shall the Bill pass" the yeas and nays were called.

Yeas - Messrs Bell, Campbell, Catter, Foy, Goodenough, Goulden, Harley, Hussman, Hayden, Kelley, Simbeck, McGraw, Morrey, Marx, Quinn, Wright and Mr. Speaker. 14.
Nays - Messrs Callaway, Hart and Shumaker. 3.
So the Bill passed.

The following message was received from the Governor

Executive Department

Pross City N. J. Jan 15th 1867

To Hon. E. Pratty
Speaker of the House
State Legislature

Sir

I have the honor to return

with

House Resolution No. 9. which I have signed. And
I have this time and is a whole. I have. I have.

signed:

Very Respectfully
Your Obedt. Servt.
W. C. Ballard
Governor of Idaho Territory

C. C. R. No 30. Returning thanks to the Honorable
H. C. Street.

Read and on motion, unanimously adopted.

The following message was received from the Council

Council Chamber
Boise City Jan'y 15th 1869

Mr. Speaker,

I am instructed to inform your Honorable
Body that the Council has had under consideration and rejected
H. C. No 33. providing for a law library &c

Geo Ainslie
Secretary of the Council

C. M. No 14. Praying the Secretary of the Treasury
to instruct the U. S. Revenue Collector to retain \$20,000⁰⁰ in his
hands to pay drafts &c

Read the first and second times, Rules suspended
Read the third time and on the question "shall the memorial be
passed," the yeas and nays were called.

Present Messrs. Ballaway, Campbell, Custer, Goddough, ~~Eng~~
Goulden, ~~Hart~~, Stanley, Hussman, Hayden, Kelley, Simbeck
McLew, Mooney, Marx, Shumaker, Wright and Mr. Speaker

Ay.

19.

Absent Mr. Fox. Excused Mr. Bell.
"So the Memorial passed"

Substitute to C. P. 35. An Act defining the duties of
Penitential prison keeper.

Read the first and second times. Amended, Rules
Suspended, Read the third time, and on the question shall the
bill pass the yeas and nays were called

Yeas! Messrs. Bell, Ballaway, Custer, Eng, Goddough,
Goulden, Stanley, Hussman, Hayden, Kelley, Simbeck, McLew,
Mooney, Marx, Shumaker, Wright and Mr. Speaker

Ay. Messrs. Campbell, and Hart

Absent Mr. Eversin
"So the bill passed"

The following message was received from the Council

Council Chamber.

Boise City Jan'y 15th 1869.

Mr. Speaker,

I am instructed to inform your Honorable Body that the Council has had under consideration and adopted H. M. No. 6. Praying for certain mail routes &c - which is herewith transmitted

G. Ainslie

Secretary of the Council

The following message was received from the Governor

Executive Department

Boise City, ID. Jan. 15th 1869

H. Hon. C. E. Beatty

Speaker of the House

Idaho Legislature

Sir:

I have the honor to return herewith House Bill No. 53. which I have approved and signed, and House Memorial No. 4. which I have signed

Very Respectfully

Your Obedt. Servt.

W. B. Ballard

Governor of Idaho Territory

H. B. 246. An Act to authorize the territorial to appoint an assistant.

Returned by the Governor, with his objections thereto and on the question "shall the Bill pass notwithstanding the objections of the Governor?" the yeas and nays were called.

Yeas.

Nones.

Nays - Messrs. Bell, Campbell, Catlin, C. E. Goodenough, Goulden, Hart, Hawley, Newman, Hayden, Hiley, Simbeck, McNew, Mooney, Mays, Quinn, Sumner, Wright and Mr. Speaker.

19.

Absent McCallaway -

So the Bill did not pass.

The Report from the Committee appointed to enquire into the affairs of the Territorial Measures, and Controller, was read, the report accepted and the Committee discharged

Mr. Cairns from the Special Committee reported as follows

Mr. Speaker

Your Special Committee to whom was referred C.R. No. 26, would respectfully report the same back with substitute recommending the adoption of either the original resolution or the substitute

Sebe Cairns

On motion C.R. No. 26, was indefinitely postponed

The following message was received from the Council

Council Chamber
Driesburg, Jan'y 15th 1869.

Mr. Speaker

I am instructed to inform your Honorable Body that the Council has had under consideration and adopted C.R. No. 31. Requesting the Governor to take care of the Equestrian Statue of Washington &c which is herewith transmitting

G. Cassali's

Secretary of the Council

C.R. No. 31. Requiring the Governor to take charge of the Statue of Washington

Read the first and second times, Rules suspended -
Read the third time and on the question "Shall this Resolution be adopted?"
The yeas and nays were called

Yeas! Messrs Bell, Campbell, Gould, Hart, Hurley, Huseman, Kelley, Mooney, May, Quinn, Summerville, Wright and Mr. Speaker

12

Nays. Messrs. Egan and Hayden

2

Excused Mr. Etneluck

Absent Mr. Callaway, Carter, Gordonrough and Mr. Grew
So the Resolution was adopted

Geo. Butterfield page then delivered an address to the House

Mr. McCreary introduced the following Resolution, which was adopted.

Resolved, That the thanks of this House, are due and hereby tendered to the Page, Geo. Bulliford for the fine address that he has favored us with this evening.

Mr. Goodenough from the Committee on Enrolled Bills, offered the following Reports.

Mr. Speaker.

The Committee on Enrolled Bills have examined and found correctly enrolled.

S.B. 53. An Act to amend an Act, Entitled an Act to exempt homestead and other property from forced sale, in certain cases approved February 2^d 1864, and on this 15th day of January A.D. 1869 at 5 o'clock P.M. presented them to the Governor for his approval.

Goodenough

Chairman

Mr. Speaker.

The Committee on Enrolled Bills have examined and found correctly Enrolled.

S.M. No 6. S.B. No. 26, 38, 16, 54. Substitute for S.B. 29 and S.C. R. No. 8. and on this 15th day of January A.D. 1869 at 9 o'clock P.M. presented the same to the Governor for his approval.

A. Goodenough

Chairman

Mr. Speaker.

The Committee on Enrolled Bills, have examined and correctly found enrolled. S.B. 44

An Act to provide for the redemption of and prescribing the manner of redeeming the outstanding warrants drawn upon the Treasurer of said County, and further to provide for the payment of all the costs and expenses of said Adco County and on this 15th day of January A.D. 1869 at 1 o'clock P.M. presented it to the Governor for his approval.

A. Goodenough

Chairman

The following message was received from the Governor.

Executive Department
Paris, La. S.M. Jan'y 15th 1869.

To C. W. E. C. DeCatty
Speaker of the House

Idaho Legislature.

I have the honor to return herewith House Bill No 38, and substitute for H.B. No 29 which I have approved and signed And Standing Memorials No 6 and House Comm. Rpt No 8 Very Respectfully,
 Yours Obedt. Servt.

Wm Ballard
 Governor of Idaho Territory

Mr. May, introduced the following Resolution, which was read and adopted
 Resolved.

That the thanks of this House are due and are hereby tendered to the Hon. C. T. Beatty, for the faithful and impartial manner, in which he has discharged the duties of Speaker of the House, during the Fifth Session of the Legislative Assembly of the Territory of Idaho.

Mr. Kelley introduced the following Resolution, which was adopted
 Resolved.

That the thanks of this House are hereby tendered to the Clerks and attachés at large of this House for the able and satisfactory manner, in which they have conducted the duties assigned them respectively.

Mr. Kelley introduced H.C.R. No. 11. Relative to the appointing of a Joint Committee of two from each house to wait on the Governor and ascertain if he had any ^{further} communications to make the Legislature.

Read and on motion adopted

The Speaker appointed as such Committee on the part of the House Messrs Hart and Kelley.

The following message was received from the Council:

Council Chamber
 Boise City, Jan'y 10th 1883

Mr Speaker

I am much obliged to you for your kind notice. That the Council has had under consideration and adopted

H.C.R. No. 11. Appointing Joint Committee &c which is herewith transmitted, and that the President

has appointed Messrs. Anderson, and Punsen as such
Committee on part of the Council

L. Council
Secretary of the Council

The joint Committee appointed to wait on the
Governor, reported that they had done so, and introduced
Mr. Nabersham, Private Secretary of the Governor who thanked
the House on the part of His Excellency for the courtesy extended
him during the Session

The time fixed by law, having arrived for the
adjournment of the Legislature, having arrived, the Speaker
announced that the House of Representatives of the 5th Session
of the Idaho Legislature, now stood adjourned "Sine die"

Henry J. Gayne
Chief Clerk E. T. Beatty Speaker

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 Proceedings of the 4th day, (Continued from page 17).

On motion of Mr. Kelly the House took a recess until 12 o'clock.

12 o'clock, M.

House reassembled

Speaker in the Chair

Roll called All present.

Mr. McGraw from the Special Committee appointed to wait on the Governor and inform him of the permanent organization of the Legislature presented the following Report, which was adopted

Mr. Speaker,

Your Special Committee appointed to wait upon the Governor, and inform of the organization of the Legislature have discharged that duty, and report that his Excellency will meet both houses in joint Convention tomorrow at eleven o'clock in the Hall of the House of Representatives.

D. McNew

F. M. Shornaker

On motion of Mr. Kelly the Clerk was instructed to notify the Council to meet in joint Convention, in the Hall of the House of Representatives, on Dec. 10th at 11 A.M. for the purpose of receiving the Governor's message.

The following message was received from the Council

Council Chamber

P.O. City December 9th 1868

Mr. Speaker

I am instructed to inform your Honorable Body that the Council has had under consideration the invitation extended them to meet the House in joint session in the Hall of the House of Representatives tomorrow at 11 o'clock A.M. to receive the Governor's message, and that the Council has accepted the same invitation.

G. A. Smith

Secretary of the Council

On motion of Mr. Kelly the House took a recess until 2 o'clock P.M.

2 o'clock, P.M.

House reassembled

Speaker in the Chair

Roll called. absent. Messrs. Galtus, Goodenough, Hart, Hayden, Simber, McLean and Mooney.

On motion of Mr May, the House adjourned to meet on
December 10th at 10 o'clock. Am

Agnew & Sayer E. F. Beatty
Chief Clerk Speaker

Territory of Idaho
County of Ada 3rd

I, Idemi. F. Sayer, Chief Clerk of the
House of Representatives, do hereby certify that the foregoing is
a full, true and correct record of the proceedings of the House
of Representatives, Idaho Legislature, Fifth Session, held at
Boise City the Capital of said Territory, commencing on the
7th day of December AD 1868 and ending on the 13th day of January
AD 1869.

Witness my hand this 16th day of January
AD 1869

Idemi. F. Sayer
Chief Clerk of the
House of Representatives

*First Biennial Message of the Honorable
 W. L. Ballard
 Governor of Idaho Territory
 to the
 Legislature of Idaho Territory
 1868.*

MESSAGE.

*Gentlemen of the Council
 and House of Representatives:*

It is not only my duty but my pleasure to meet you at this time, for the purpose of suggesting such matters as pertain to the interests of our Territory and are proper subjects of legislation. From the date of our organization we have been the recipients of innumerable favors from a bountiful Providence, enjoying, in a remarkable degree, the blessings of health and general prosperity, for which we should here make known our gratitude to the Great Lawgiver of the Universe, and ask his guidance in the work before us. We are but the servants of the people, and their interests are now confided to our keeping. It therefore becomes us to so discharge our duties as shall result in the greatest good to all.

Salutary laws are said to be the bulwarks of society, and bad ones worse than none. With the greatest care it is difficult to enact laws that will prove most beneficial, or fully meet the expectations of a people.

By bearing these facts in mind and divesting ourselves of all prejudices and desires to serve individual friends and partisan or special interests, and observing great caution in all our deliberations, much of this difficulty may be overcome. In all the sections of this Territory, where settlements have been made, our people have wrought with a diligent hand, and been well rewarded for their toil. The products of the mines are continually increasing, adding to the wealth of the nation, and yielding unexampled profits to the fortunate owners. The fabulous yield of the Owyhee quartz mines continues equal to our most sanguine expectations being probably the richest on the continent.

In Alturas county, the difficulties in the way of capital, which have heretofore retarded the reduction of ores have, to some extent, been overcome, and capital now invested there is remunerative, with a prospect of developing mines more extensive than any yet discovered.

In Boise county the quartz mines are bearing a better and more certain reputation than heretofore. The mills are yielding good profits, and the prospects warrant the investment of more capital and labor in that direction.

The mines in the northern part of the Territory are attracting attention; the mills erected at Warren's and at Florence are already making satisfactory returns, and the wealth of that section is being developed with unusual energy.

THE PLACER MINES

of Boise, Owyhee and Alturas counties, and of Warren's, Oro Fino and Elk City, continue to yield a fair share of the precious metals.

In Leesburg, Lemhi, Dead Wood, Moose Creek, and on the bars and tributaries of Salmon river, new and extensive mines have been discovered, and prospected sufficiently to attract a large immigration the coming season, with promise of results equal to those heretofore realized in the older camps of the territory. We therefore need fear no abatement for many years in the yield of precious metals from the placer mines of Idaho.

Difficulties will continue to arise and embarrass the development of our great mineral resources. We cannot expect that every year, for a great length of time, will add new fields or give increased profits to the miner, but the same industry and indomitable energy which have crowned with success the efforts of the pioneers, when applied to mining in a systematic way, aided by machinery and science, and keeping pace with the spirit and progress of the age, will prove the mineral wealth of Idaho inexhaustible.

MINING LAWS.

It is not only important, but an imperative necessity, that we have laws to protect, foster and build up every interest connected with the development of our mines.

By an Act of Congress, the occupation of mineral lands has been legalized by offering a title to those who desire it at a nominal cost; saving to others all vested rights, secured under the rules and regulations of the miners themselves. This law is not intended to conflict with the right of miners, or of Legislatures to make rules and regulations, or pass laws in reference to the locating of claims, and the working thereof as they have heretofore done.

AGRICULTURE.

It is generally supposed that our agricultural lands are limited in extent, and confined to the valleys. This is a mistake. Over half the whole area of the Territory is well adapted to

agricultural pursuits. I am fully convinced of this fact, from personal observation, having recently visited the northern portion of the Territory, and traveled over a large portion of the country. From the hills of Salmon river on the western border to Lake Pend Oreille on the north, a distance of one hundred and fifty miles, embracing the Coeur d'Alene and Blackfoot country on the northern line, and the Kamas prairie east of the Nez Perces reservation, is a scope of country peculiarly inviting to immigration and permanent settlement. All this district is free from sage brush, has a deep, alluvial soil, well watered and timbered, covered with a heavy growth of nutritious grasses, and in instances where cultivated, has produced an average of sixty bushels of grain to the acre. Although stretching well to the north, the climate in this section is mild; experiments already made prove that fruits of all kinds will flourish there. Apples, pears, peaches, plums, &c., have been tried, with success—equal to any of the northern or middle States.

The valleys of the Payette, the Weiser, the Boise and the Malad are already extensively populated, and our markets are teeming with their products; a very considerable portion of the uplands in other sections of the Territory are susceptible of cultivation, and our mining mountain regions are dotted with lovely little valleys inviting the hand of the husband man to make them blossom as the rose.

We want to foster and encourage immigration. We want more people. Our agricultural and mineral resources are sufficient to support a population equal to that of many of the older settled States. Our farm products find a home market at remunerative prices, and no part of the United States offers a more healthy and salubrious climate, or presents greater inducements for permanent settlers than the fertile valleys, rich plains and abundant pasture lands of Idaho.

PUBLIC SURVEYS.

The U. S. surveys in this surveying District have been pushed forward to the full extent of the appropriations placed at the disposal of the Surveyor General, and notwithstanding all the standard lines were to be run and paid for out of the very small amount appropriated by Congress, and leaving only a small amount to make subdivision surveys, the amount of sales, as per notices to actual settlers, exceed the amount paid for surveys some thirty thousand dollars, not including the last appropriation of fifteen thousand dollars of which the office work has not been completed and no returns have been made to the General Land Office on this account.

This fact alone demonstrates that we have large agricultural interests, and that it is mistaken economy on the part of Congress to make so small appropriations for the surveys of the lands in a District so lately established, and in so large an area of good public lands.

I would respectfully suggest that you memorialize Congress to make more liberal appropriations for this purpose.

MAILS.

Congress has, at different times, established mail routes in the Territory, and sought to give proper mail facilities to all the settlements, but the provisions made therefor have not been adequate to our wants. This I think has arisen from the fact that correct information has not been accessible as to the geographical position of the points to be served. In some instances routes have been established that are impracticable and have never been carried into operation, probably never will be; in others double routes have been established and double service performed at an unnecessary expense; and in some cases routes have been established that are practicable and necessary where no service has been performed. The northern portion of our Territory has suffered materially in this respect.

Warren's Diggings was settled before the Territory was organized and is a flourishing camp to-day. The population is about one thousand, with two quartz mills in operation; their products the past season aggregating nearly a quarter of a million dollars, yet they have never had a mail, when by continuing the route from Florence to Warren's, a distance of about forty-five miles, that camp would be provided for.

Kamas prairie, the most flourishing agricultural section of northern Idaho is without mail facilities, whereas they could be accommodated by extending the present route from Cottonwood, a distance of about twenty miles. Beyond Kamas prairie, are Silverwood, Newsom Creek, Clearwater Station and Elk City, embracing in all only a distance of sixty-five miles, and containing a population estimated at one thousand inhabitants, old mining camps producing millions of dollars, and not a single post office at any of them.

The route to Placer City ought to be extended to Moose

Lewiston, the county seat of Nez Perces county, containing a population of about eight hundred souls, with from two to three thousand comers and goers annually, steamboat communication with the Pacific ocean at least six months in the year, the recipient of ten thousand tons of goods annually, has only a weekly mail.

The tri-weekly mail from Helena, in Montana Territory, via Spokane bridge, to Walla Walla, W. T., could make the point of Lewiston each way and add but twenty miles to the route, over a most excellent road, whereas the same mail under the present arrangements must be carried back about ninety miles and then but once a week. By adding Lewiston as one of the points on this route the weekly mail from Walla Walla, W. T., may be dispensed with greatly to the accommodation of the people of Lewiston, and in my opinion a saving to the government.

Leesburg, Salmon City and Lemhi are without mail facilities; they are permanent mining camps with agricultural and pasture lands about them. The Yuba and Deadwood districts are in like condition, and perhaps other localities that have escaped my notice. In view of the importance of this subject, I would recommend the appointment of a committee "on mails and mail facilities" with such instructions as shall elicit all the information which your honorable body may need in memorializing Congress upon this important subject.

Coming as you all do from the body of the people and from every section of the country, it is within the scope of your power and your knowledge to so represent the wants of the Territory that your delegate in Congress may be greatly assisted in his efforts to relieve them.

ACTS OF CONGRESS.

By Act of Congress, passed March 2, 1867, you are prohibited from granting "private charters" or "special privileges" but may by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing and other industrial pursuits.

By another Act of the same date it is *Provided*, "The Judges of the Supreme Court of said Territory, or a majority of them shall, when assembled at the seat of government of said Territory, define the Judicial Districts of said Territory, and assign the Judges who may be appointed for said Territory to the several districts, and shall also, fix and appoint the times and places for holding Courts in the several counties or subdivisions in each of said Judicial Districts, and alter the times and places of holding Courts, as to them shall seem proper and convenient." The second section of the same Act provides that the next session of the Legislative Assembly of the Territory of Idaho shall be held commencing on the first Monday in December, 1868, and thereafter the Legislative Assembly of said Territory shall be held bi-ennially. These Acts have relieved you of duties requiring much time and labor, and the General Government and this Territory of a large expense.

COURTS.

Our Courts are being held with regularity in every organized county in the Territory, and the ready acquiescence of the people in the administration of justice has had a salutary effect upon public morals and in promoting good order in society.

Under the present law of Congress it is generally conceded that the Legislature should fix the time for holding the Supreme Court. As the law now stands this Court is to be held in August. It is impossible for the Judge of the First District to hold his regular terms in the mountain towns and meet with the Supreme Court at the capital. Therefore no term of the Supreme Court was held last August. I invite your action in the premises, and advise the changing and fixing of the time for the meeting of the Court at as early a day as practicable.

REVISION OF THE LAWS.

The laws of the last session were printed in plain type, bound in a substantial manner in pamphlet form, and distributed within forty days after the adjournment of the Legislature. The laws of the second and third sessions are still in the hands of the publishers in San Francisco. I am more than ever convinced that the laws of the Territory ought to be revised and published in one volume. I cannot better explain my views than to repeat what I said in my message to the last Legislature:

"The first Legislature which assembled at Lewiston in 1863, enacted a code, but as the duration of their session was limited, it was necessarily passed in much haste, and with much less consideration than its importance demanded. The code then enacted was not printed until after the sitting of the next Legislature, and many of the amendments have never been published in any form whatever, and indeed each succeeding Legislature has labored under the misfortune of endeavoring to amend the legislation of its predecessor with no authentic knowledge on the subject matter. The result is, that our laws are inharmonious and abound in perplexing discrepancies. It is believed that the best method of securing a perfect code of laws, and remedying the existing evils, is by the appointment of a commission to codify and revise the whole body of our statutes. The present uncertainty can thus be remedied by a system which, though it may take some time and incur some expense will, when completed, supersede for years a large amount of additional legislation."

THE JURY LAWS.

It has been suggested to me that our present Jury law is

imperfect in its operation as well as cumbersome and expensive. I would therefore recommend your careful consideration of said law, to the end that such changes may be made as to you may seem best calculated to make the same more efficient and less burdensome.

INDIAN MATTERS.

By the following extracts from letters on file in my office, you will see that our Indian wars are over. Brevet Major General George Crook, U. S. A., commanding the District of the Lakes, wrote under date of July 21, 1868:

"I made a treaty yesterday with the concentrated hostility of all the Pl Ute tribe. * * * I have no doubt the desire for peace on their part is sincere from the fact that about half their number have been killed, and those left know not what day their time may come. * * * The only fear I now have is that white men will commit outrages on the Indians. If this can be controlled, I feel satisfied the bloody scenes of the last four years are ended, and permanent peace secured."

Brevet Colonel Elmer Otis, U. S. A., commanding the District of Owyhee, wrote under date of August 31, 1868:

"On the 20th June, 1868, I assumed command of this District, relieving Brevet Major General W. L. Elliott, U. S. A. My personal knowledge of military operations here date back only to that time, but the official records of my office indicate a systematic plan of scouting, and a thorough execution thereof. All parts of the District being guarded with such vigilance as to leave no spot affording a safe retreat for hostile or predatory bands. * * * Hostilities have ceased and the war is virtually at an end."

In making this communication to you, gentlemen, I desire to express my high appreciation of the character and services of the military in this and the District of the Lakes. No better soldiery exists anywhere than the officers and men of the First and Eighth U. S. Cavalry and the Twenty-Third Infantry who have participated in the Indian wars of Idaho. By their vigorous execution of judicious plans our country is quiet—our property secure—our lives safe!

Although this cessation of hostilities terminates scenes of blood and slaughter it does not relieve our government of a vast charge on account of these aborigines. Within the lines of our Territory are from five to eight thousand savages claiming original ownership of the lands now rapidly being over-spread by civilization. The spirit of fair dealing, and a just sense of the rights of all, demand that provision be made for their establishment in permanent homes and their advancement in the arts of civilization, thereby insuring a perpetuity of the peace we now enjoy. To this end I invite you to call

the attention of Congress to the necessity of making generous provision for their collection and establishment upon reservations.

TERRITORIAL PRISON.

The expenses of our Territorial Prison are certainly beyond the bounds of reason, and no reduction has been had or any advantage derived from the labor of the convicts; in fact, no labor worth mentioning has ever been performed. Thirty per cent of the whole revenue of the Territory is set apart for Territorial Prison expenses. Notwithstanding this large appropriation, our Territorial Prison has entailed a debt upon the Territory of over \$22,000 within the last two years. Considering the limited number of prisoners, this expense is truly enormous. Expenses for guarding, feeding and clothing prisoners are fixed upon a basis of prices prevailing in the early organization of the Territory; these expenses have gradually lessened from year to year, and will continue to decrease. We cannot afford to burden the people with heavy taxes for extravagance in one direction any more than in another. Labor is indispensable to the health of the prisoners and ought to contribute a large share of the expense. Nearly every branch of mechanical labor is in demand at high prices, and I see no reason why convict labor cannot as well contribute to the expense of the convict in this country as in any other. By making suitable provision of this character, with a fair reduction of expenses, the present fund is amply sufficient to balance future expenditures of our Territorial Prison.

By Act of Congress of Jan. 25th, 1867, the net proceeds of the internal revenue of our Territory for the fiscal year, ending June 30th, 1866, and the two succeeding years, not exceeding \$40,000 has been set apart for the erection, under the direction of the Secretary of the Interior, of Penitentiary buildings at such places as may be designated by the Legislature of the Territory, and approved by the Secretary of the Interior. I am informed that the revenue collected and applicable to this purpose will amount to the full sum of \$40,000. My attention has been invited to this Act by the Secretary of the Interior, and I am directed to invite your attention to the subject, with the request that you designate the place for such Penitentiary by act of the Legislature.

LEMHI COUNTY.

By some mistake the Act organizing Lemhi County, passed at the last session of the Legislature was not presented to me for approval, and therefore did not become a law. The people of that section were much disappointed and have been subjected to many inconveniences for want of a county organization. I hope the matter will receive your early attention and favorable consideration.

COMMON SCHOOLS.

The interest manifested on the part of our citizens in common schools is far less than might be desired. Education is an indispensable blessing to society, and free schools ought to be established in every well organized community. You will confer the greatest benefits upon the Territory by making liberal provision for education.

MILITIA.

We need a militia organization even more now than heretofore. With the cessation of Indian hostilities military camps are likely to be abandoned and U. S. soldiers removed to other fields. With our quota of arms from the United States and a proper organization of the militia we can be prepared for emergencies that may arise. I deem this a subject of sufficient importance to demand early attention.

FINANCE.

The reports of the Controller and Treasurer of the Territory herewith submitted will exhibit the financial condition of the Territory. The revenue has been sufficient to pay the interest on the public debt and, (except the prison fund,) meet other necessary expenses of the government. It is true the rates of taxation are high, and while this seems at present unavoidable, it is your duty to see that this burthen falls equally upon the capital of the country.

RAILROADS.

No State or Territory can prosper for any great length of time without railroad communications. The settlement of the northern portion of this Territory is awaiting the construction of the Northern Pacific Railroad. The Union and Central Pacific Roads are about ready to join hands, and its advantages to this coast and the union of the States cannot be over estimated. Already we begin to realize that Nevada and California are our neighbors, and the Atlantic States within a limited distance. We cannot afford to sit idly by and look upon the progress of our neighbors without making an effort to secure railroads for our Territory, connecting us with the great thoroughfares of the nation at the most practicable points. It is safe to estimate that \$100,000,000 in gold and silver is now added to the wealth of the nation from the mines of the Pacific coast, and \$14,000,000 of this amount must be credited to Idaho. This hidden treasure is inexhaustible, and the pros-

perity of the people and the Government depend upon its development. Gold and silver have decreased fifty per cent. in value in the last twenty years, or rather, articles of trade and commerce have increased one hundred per cent.; so that the wealth of the country dependent upon the production of gold and silver is two to one. No one can doubt but this result is brought about by the discovery and production of the precious metals. If this ratio is continued for the next twenty years the increased wealth of our country will exceed the national indebtedness. Just in proportion as we offer railroad facilities for commercial relations and the settlement of the Pacific coast will we increase or diminish our wealth. These questions may be favorably presented to Congress by suitable memorials. The Government and the people are equally interested in this great work. Every dollar that we expend comes back two-fold. While the Government can afford to be liberal in subsidies and lands, we should work efficiently and with all the means in our power to secure these praiseworthy objects.

CONCLUSION.

And now gentlemen, in conclusion let me say—although our appreciation of the national issues of the day is none the less on account of our Territorial condition—yet having no voice in the electoral college and no vote in the national councils, it is unbecoming in us to stimulate party strife and political asperities which may jeopardize the material interests of the Territory—therefore let us devote our time and ability to the real and not imaginary wants of Idaho, bearing in mind that the voice of the nation has been heard and settled the question of national politics for the next four years. That voice said: "Let us have peace."

D. W. BALLARD.

Report of
the
Territorial Controller *W. R. Bishop*
for
December 31st 1867

REPORT.

COMPTROLLER'S OFFICE,
Boise City, I. T., Dec. 31st, 1867. }
To His Excellency David W. Ballard, Governor of Idaho Territory:

SIR,—In compliance with your request of the 25th inst., I have the honor herewith to enclose a Report showing the condition of the accounts of the several counties of the Territory, and of the different Territorial Funds as taken from the books in this office up to date.

It will appear that there are large balances standing charged against each of the several counties as due the Territory, amounting in the aggregate to a sum nearly or quite equal to the entire amount of Territorial indebtedness as appears in the Report of the Territorial Treasurer of this date.

The balances thus due from counties arise from a failure on the part of the counties to collect taxes of former years, and also from charges made against counties for Poll Tax receipts and Licenses issued from this Office, and which have never been accounted for neither in quarterly reports of County Auditors, nor by licenses and poll tax receipts being returned to this Office in full, and the proper credits being placed on the Comptroller's books therefor.

From the correspondence on file in this Office and other reliable sources of information, it is believed that the failure on the part of the counties to make the proper returns of the licenses and poll tax receipts for which they have been charged in former years, has been caused in a great measure from a want of the published Statutes of the Territory.

It is not safe to hope that any considerable portion of these balances now appearing due from the counties to the Territory will ever be discharged by money paid into the Treasury. Doubtless many of the old poll tax receipts and licenses of the issue of former years are still remaining on hand in county offices, and in some cases I am informed they have been destroyed by fire.

In accounts last itemized statement of the poll tax and license accounts for 1866 of the several counties were made out and forwarded to respective Auditors and Treasurers of the counties from which no satisfactory replies have been received save in one case. Since that time all the books and records of the office have been gone through and statements have been prepared, showing in detail the license and poll tax accounts of each county from the organization of the Territory up to date, which statements will be left on file in this office.

While our revenue law is as good as could reasonably be expected, considering the fact that Idaho Territory is yet in her infancy, it is far from being perfect, and it is hoped that the territorial and county officers will be able from their experience with the revenue law, to unite in recommending to the Legislature, at its next session, such changes as may be greatly for the improvement of the present system.

Yours, respectfully,
W. R. BISHOP,
Territorial Comptroller.

STATEMENT OF ACCOUNTS.

SHOWING THE BALANCES OF THE SEVERAL ACCOUNTS AS APPEARING ON CONTROLLER'S BOOKS WHEN I ENTERED UPON THE DUTIES OF THAT OFFICE AND TOOK POSSESSION OF THE BOOKS ON THE 16TH DAY OF MAY LAST, ALSO BALANCES OF ACCOUNTS UP TO DATE.

ADA COUNTY.			
To balance May 16th, 1867.....	\$8,977 35		
To Licenses, Poll Tax Receipts and Territorial proportion of Revenue.	8,769 92		
By cash paid Territorial Treasurer, Licenses and Poll Tax receipts returned.....		\$8,595 73	
Balance due.....		9,151 54	
	\$17,747 27	\$17,747 27	

ALTURAS COUNTY.			
To balance May 16th, 1867.....	\$8,108 38		
To Licenses, Poll Tax Receipts and Territorial proportion of Revenue.	4,087 37		
By cash paid Territorial Treasurer, and Poll Tax receipts returned...		\$3,031 60	
Balance due.		9,164 15	
	\$12,195 75	\$12,195 75	

BOISE COUNTY.			
To balance May 16th, 1867.....	\$37,123 62		
To Licenses, Poll Tax Receipts and Territorial proportion of Revenue.	26,324 89		
By cash paid Territorial Treasurer, Licenses and Poll Tax receipts returned ...		\$23,151 30	
Balance due.....		40,297 21	
	\$63,448 51	\$63,448 51	

IDAHO COUNTY.			
To balance May 16th, 1867... ..	\$13,040 91		
To Licenses, Poll Tax receipts and Territorial proportion of Revenue.	1,857 62		
By cash paid Territorial Treasurer, Licenses and Poll Tax receipts of the issue of 1866 returned.....		\$ 4,751 16	
Balance due		10,147 37	
	\$14,898 53	\$14,898 53	

NEZ PERCES COUNTY.			
To balance May 16th, 1867	\$7,953 22		
To Licenses, Poll Tax receipts and Territorial proportion of Revenue.	1,081 20		
By cash paid Territorial Treasurer, and Poll Tax receipts returned.		\$1,867 00	
Balance due		7,167 42	
	\$9,034 42	\$9,034 42	

OWYHEE COUNTY.			
To balance May 16th, 1867... ..	\$9,223 38		
To Licenses, Poll Tax receipts and Territorial proportion of Revenue.	2,321 63		
By cash paid Territorial Treasurer, and Poll Tax receipts returned...		\$9,728 18	
Balance due....		1,816 83	
	\$11,545 01	\$11,545 01	

ONEIDA COUNTY.			
To balance May 16th, 1867.....	\$7,910 45		
Balance due.....		\$7,910 45	
	\$7,910 45	\$7,910 45	

SHOSHONE COUNTY.			
To balance May 16th, 1867.....	\$4,859 00		
To Poll Tax receipts and Territorial proportion of Revenue.....	237 80		
By cash paid Territorial Treasurer, and Licenses of the issue of 1866 returned.....		\$2,528 44	
Balance due.....		2,568 96	
	\$5,097 40	\$5,097 40	

TERRITORIAL TREASURER.			
To balance May 16th, 1867.....	\$19,385 85		
To amounts paid in by counties....	44,532 60		
By amounts disbursed.....		\$57,864 95	
By amount on hand.....		6,053 50	
	\$63,918 45	\$63,918 45	

IDAHO TERRITORY.			
To amounts credited to counties for Licenses and Poll Tax receipts returned since May 16th, 1867.....	\$ 9,823 50		
To balance of Dec. 31st, 1867.....	179,409 16		
By balance May 16th, 1867.....		144,552 23	
By Licenses, Poll Tax receipts and Territorial proportion Revenue charged to counties since May 16th, 1867.....		44,680 43	
	\$189,232 66	\$189,232 66	

LIBRARY FUND.			
To balance Dec. 31st, 1867	\$190,00		
By balance May 16th, 1867.....		\$ 70 00	
By amount paid to Territorial Treasurer.....		120 00	
	\$190 00	\$190 00	

EXPENSE ACCOUNT.

To balance May 16th, 1867	\$26,883 09	
To payments by Territorial Treasurer on General, Prison, Sinking and Interest Funds.....	58,438 64	
By balance.....		\$85,321 73
	\$85,321 73	\$85,321 73

RECAPITULATION.

Ada county to balance Dec. 31st, 1867	\$ 9,151 54	
Alturas to balance Dec. 31st, 1867	9,164 15	
Boise " " " " " "	40,297 21	
Idaho " " " " " "	10,147 37	
N. P'ce " " " " " "	7,167 42	
Oneida " " " " " "	7,910 45	
Owyhee " " " " " "	1,816 83	
Sh'sh'ne " " " " " "	2,568 96	
Territorial Treasurer.	6,053 50	
Expense account.....	85,321 73	
Idaho Territory.....		\$179,409 16
Library Fund		190 00
	\$179,599 16	\$179,599 16

*First Biennial Report of the—
Territorial Controller
Danus Gram
For the years 1867 & 1868.*

REPORT.

OFFICE OF THE TERRITORIAL COMPTROLLER,
Boise City, I. T., Dec. 1st, 1868.

To His Excellency, D. W. Ballard, Governor, and the Honorable Council and House of Representatives of the Territory of Idaho:

GENTLEMEN,—I herewith submit the biennial report of the transactions of this office, commencing January 1st and ending December 1st, 1868, a period of eleven months since I assumed the duties of this office.

A detailed statement of receipts and expenditures, together with all transactions of this office, are arranged under the following headings, to-wit:

Statement "A"—showing the receipts from the different sources of revenue from each County for the first three quarters of 1868.

Statement "B"—showing the revenue paid into the Territorial Treasury from the different Counties, and the expenses for collecting the same, for the first three-quarters of 1868.

Statement "C"—showing respectively the amount of money received into the Treasury from all sources in the preceding three-quarters of 1868, together with balance of cash of 1st day of January, 1868, and the amounts paid on account of different funds, being the account of the Territorial Treasurer as audited in this office.

Statement "D"—showing the amount of the Territorial indebtedness.

Statement "E"—showing estimates of the revenue and expenditures of the next fiscal year.

Statement "F"—Assessment Roll of 1868.

Statement "G"—uncollected on Assessment Roll of 1868.

Statement "H"—showing the amount of warrants drawn, and against what fund, from January 1st to December 1st, 1868.

Statement "I"—showing for what purposes the above warrants were drawn.

Statement "J"—showing the apportionment of the different funds.

Statement "K"—showing the balances on hand in the Territorial Treasury, Dec. 1st, 1868, belonging to the different funds.

Statement "L"—showing the official vote for delegate to Congress for the years of 1866 and 1868.

The Territory of Idaho, hitherto the outskirts of the settlements, will in all probability, before the meeting of the next Legislature, be the highway of commerce and travel between the main arteries of the continent and Puget Sound. The revolution, the Pacific Railroad and branches with its causes in the affairs of the Territory, can scarcely be realized; and although the geographical conformation of the country may not admit of a very large settlement for a number of years, yet the facilities brought to us by the iron horse, and consequent reduction in cost in working of our mines, and the necessities of living will be sensibly experienced in the advancement and prosperity of this Territory.

It will be seen in the Report that Boise County, which until the past two years has been the main reliance of the Territory in her large collections to pay the current expenses, has very seriously fallen off in her returns.

But in the diminution of returns from Boise County we may look with confidence to the prospects of other Counties, particularly Owyhee, Ada, Alturas, and Oneida.

While the silver mountains of Owyhee, perhaps the richest silver district on the continent, are giving forth the precious metal in ratio to the facility of working them, and the development of Lemhi District and the placers of Nez Perce and Shoshone, are to improve the Territory.

large share of taxes rightly belonging to it by the inhabitants of the south part of Oneida County, which will be more fully explained below.

In consideration of the probabilities of the prosperity of the country as expressed above, I have every reliance that the General, Sinking and other funds will hereafter be self-sustaining under the present system of taxation.

The fund to which I ask the serious consideration of the Legislature is the Prison Fund. Unless this drag and increasing indebtedness of this fund can be checked at the earliest moment, it threatens to accumulate an increased indebtedness, and will eventually drag down the other funds and ultimately destroy the credit of the Territory. With this exception I have no suggestions to make in the change of the working of the revenue law, which I think is well suited to the expenses of the Territory.

I would ask a committee be appointed to examine the books of the Comptroller and Treasurer.

Through the concurrence of the Territorial Treasurer, a system has been adopted that all entries on the books of the Territorial Treasurer are also entered on those of the Territorial Comptroller, the one being a check upon the other, and the accounts are required to balance and agree after the rendering of the quarterly reports. By this system no errors can occur, and in case of fire the accounts of the Territory would not likely be lost.

It is recommended that the Territorial Treasurer hereafter be required to furnish the Comptroller a quarterly balance of his books and such papers for inspection as the Comptroller may require, in order that this system may be preserved.

Forty-eight claims, amounting to 7,680 acres, have been entered at the U. S. Land Office for homesteads.

Two hundred and twenty claims pre-empted, comprising about 32,797 acres. Three townships were surveyed under appropriation of last year, and are in Ada County and mostly along the Boise River. The land law requires all pre-emption claims to be paid for within one year after the maps of townships have been received at the Land Office, and therefore the above claims will have been paid for before the 1st of May next. It is calculated that this real estate be taxed as well as the improvements, while heretofore taxes have only been paid on improvements.

The township plats, with the claims of settlers, will be furnished the Counties at the earliest day, in accordance with law, so that the Assessors may tax the real estate.

As some doubt has been expressed whether claims are subject to taxation before a patent has been issued from the General Land Office, it is thought that the Legislature provide that such lands shall be taxed in order to avoid litigation and delay.

The claims are as sure to the settler, and can be sold by warrantee deed, as safely when they are in receipt of the Register's and Receiver's certificate as if they were in possession of the patent.

Upon entering the duties of my office on the first of the year, I found the accounts of the different counties, and sundry other accounts, in much confusion, principally I think in consequence

of the Territorial and County blank licenses and poll tax receipts not having been returned to this office, and such as have been returned not having been credited to the respective Counties. My predecessor, who held the office for a few months, exerted himself to the utmost to rectify these accounts, but without success, as the deficiencies have been accumulating for years.

I have suspended these accounts of the different Counties and opened new accounts on the 1st of January last, leaving to the Legislature to adopt such a course with the deficiencies as they may decide, and I hope some stringent law may be passed to compel the return of such blanks as are issues of the

preceding year at the earliest moment. Although some months have passed since the four-dollar poll tax receipts have been available, yet I have not been able to receive the unsold blanks from some of the Counties, although having written and urged repeatedly. And in conclusion allow me to express my thanks to the Auditor and Treasurer of Boise County for their promptness in this as well as all of their transactions with this office for the past year.

In consequence of the delay in receiving quarterly reports from some Auditors, and the irregularity in the same reports, the Legislature is requested to fix a penalty, to be enforced by the District Attorney of the delinquent district, that all reports not forwarded to the Comptroller within fifteen days of the time required by law shall be subject to such fine as the Legislature may prescribe.

I would recommend that the fiscal year of the Territory begin on the 1st day of December and end on the 30th of November of the succeeding year, and that the County Auditors be notified to make up the quarterly reports to this office on the 20th February, 20th May, 20th August, 20th November, and with their November report a yearly report to include the above four quarters in order to give time for the reports to reach this office by the first day of the following month, in order that the Comptroller and Treasurer may have time to make up their reports in full to the Legislature early in the session.

I would further recommend that all new blank licenses and poll tax receipts issue on the 1st day of January of each year, and all blanks unsold be returned to this office by the 1st day of February of the succeeding year, under penalty, and also that all foreign miners' licenses issue from this office.

I would also recommend that all insurance companies, both fire and life, doing business in this Territory be required to obtain a license for the same, and also be taxed a per cent. on the amount insured, as the Legislature may determine. This tax is customary in States and Territories. The tax to be applied to the Sinking Fund toward the redemption of the public debt.

The Lemhi District probably contains one thousand inhabitants. The distance of this part of Idaho County from the County seat works materially against the practical settlement of the quarterly accounts of the Auditor and Treasurer of the County, and embarrasses the Territorial Comptroller and Treasurer. I would especially recommend that it be partitioned into a separate County for the benefit of all concerned.

A subject of vital importance to the assets of the Territory is the County of Oneida. 1,800,000 acres of this County have been reserved by the General Government as a reservation for the Shoshone and Bannack Indians, running from a point south of Fort Hall 25 miles, east 70 miles, north 50 miles to the Blackfoot River, its northern boundary. The land south of the reservation has a settlement of 3,000 to 5,000 inhabitants, most of whom refuse to pay taxes in this Territory, claiming that they are in Utah. This large reservation will naturally cause a corresponding settlement on its borders, and the branch of the Union Railroad running in this neighborhood will add materially to its settlement. We may soon look upon Oneida County as the most thickly settled and prosperous of our Counties, and yet we derive no benefit from it simply because the boundary between this Territory and Utah is not defined. I would urge upon the Legislature to petition Congress to establish this boundary at an early day, as I believe the proceeds of this County, with the Prison Fund in subjection, will enable us to meet all the expenses of the Territory and leave a yearly surplus to reduce the bonded debt.

The case of the Territory against the bondsmen of A. Slocum, defaulting Treasurer of Boise County, was compromised on the 11th day of November, 1867, upon the [following stipulation]:

That John Claresey pay.....\$1,000 00
" J. H. Hickman pay.....750 00
" F. B. Britten pay.....750 00

The judgment against Messrs. Claresey and Hickman are satisfied. That against F. B. Britten is still unpaid.

Believing that the annexed is a full and correct exhibit of the transactions of this department, and the suggestions made are for the best interests of the Territory, I have the honor to remain

Your most obedient servant,
DANIEL CRAM,
Territorial Comptroller.

STATEMENT "A"
SHOWING THE RECEIPTS FROM THE DIFFERENT SOURCES OF REVENUE FROM EACH COUNTY FOR THE FIRST THREE QUARTERS OF 1868.

COUNTIES.	PR'Y TAX PR'Y TAX PR'Y TAX	1866.	1867.	1868.	LICENSES.	POLL TAX	FOR. MINERS & FRANCHISES	RES. LICENSE.	SCH'L FUND.	TOTALS.
ADA.....		\$2,445 20		\$2,076 91	\$764 47	\$ 504 82	\$ 11 28		\$31 77	\$3,834 45
ALTURAS.....	\$80 35	947 60	584 10	584 10	320 40	271 80	453 12		35 00	2,642 37
BOISE.....		1,600 02	5,062 44	1,330 46	3,596 50		3,034 35			14,624 77
IDAHO.....		58 24	832 63	507 36	761 65		90 28			2,250 16
NEZ PERCE.....		168 00	367 59	283 49	368 85		473 76			1,661 69
ONEIDA.....			74 38		22 00					96 38
OWYBEE.....		1,648 68	2,388 61		790 54	1,013 40				5,841 23
SHOSHONE.....			249 00		140 76	196 98				1,024 08
TOTALS..	\$80 15	\$6,867 74	\$11,635 66	\$4,137 48	\$6,736 00		\$1,500 13		\$66 77	\$33,975 13

*Note.—Licenses sold third quarter not returned.

STATEMENT "B"
SHOWING THE REVENUE PAID INTO THE TERRITORIAL TREASURY FROM THE DIFFERENT COUNTIES, AND EXPENSES OF COLLECTING THE SAME FOR THE FIRST THREE QUARTERS OF 1868.

COUNTIES.	EXPENSE OF COLLECTING.	CASH PAID INTO THE TERRITORIAL TREASURY.	TOTALS.
ADA.....	\$1,539 71	\$7,509 41	\$9,049 12
ALTURAS.....	1,088 36	1,951 83	3,040 19
BOISE.....	5,134 43	15,137 65	20,272 08
IDAHO.....	1,832 25	2,114 83	3,947 08
NEZ PERCE.....	523 59	4,707 86	5,231 45
OWYBEE.....	2,175 96	4,438 46	6,614 42
ONEIDA.....	27 69	325 00	352 69
SHOSHONE.....	336 93	1,314 31	1,651 27
TOTALS.	\$12,658 92	\$37,529 38	\$50,188 30

STATEMENT "C"
1868. E. C. STERLING, TERRITORIAL TREASURER, CR.

January 1st.	To Balance in Treasury this date.....	\$6,053 50
Dec'r 1st.	To amount received from Ada County to date....	7,509 41
do do do	do do do Alturas do do	1,951 83
do do do	do do do Boise do do	15,137 65
do do do	do do do Idaho do do	2,114 83
do do do	do do do N. Perce. do do	4,707 86
do do do	do do do Owyhee do do	4,438 46
do do do	do do do Oneida do do	325 00
do do do	do do do Shoshone do do	1,314 34
do do do	do do do Lib. Fund do do	50 00
Total.....		\$43,632 88

"C" Continued.
1868. E. C. STERLING, TERRITORIAL TREASURER, CR.

Jan. 1st.	By Warrants redeemed on General Fund and Interest....	\$16,179 17
Dec. 1st.	do do do do Prison do do do	6,867 52
do do do	do do do do Sinking do do do	76 20
do do do	do do do do School do do do	282 82
do do do	do do do Interest coupons paid on Public Debt (Bonds).....	7,058 01
do do do	do do do Printing, Advertising and Newspapers.....	322 30
do do do	do do do Postage.....	39 65
do do do	do do do Stationery.....	304 35
do do do	do do do Rent, Offices, Controller and Treasurer.....	1,168 00
do do do	do do do Fuel and Sawing.....	160 00
do do do	do do do Office, Furniture, Lights, &c.....	246 80
do do do	do do do Express charges on money received.....	355 56
do do do	do do do Treasurer's commissions.....	2,404 76
do do do	do do do Balance in Treasury	8,177 94
Total.....		\$43,632 88

STATEMENT "D"

SHOWING THE AMOUNT OF THE TERRITORIAL INDEBTEDNESS TO DEC. 1st, 1868.

Territorial Bonds issued to date, and payable December 1st, 1875, in gold.....	\$73,713 87
Interest due on same to date	5,899 78
Warrants outstanding subject to bond	1 013 50
Interest on same to date.....	363 66
Warrants unredeemed against Prison Fund.....	25,020 21
Interest on same to date.....	1,380 70
Warrants unredeemed against General Fund.....	3 488 00
Interest on same to date.....	102 46
For estimated expense to date.....	2 120 00
	\$113 102 18
Deduct amount in Treasury to meet the above.....	8,177 94
	\$104 924 24

STATEMENT "E"

SHOWING THE ESTIMATES OF THE REVENUE AND EXPENDITURES FOR THE NEXT FISCAL YEAR.

RECEIPTS.	
From delinquent tax of 1868.....	\$25 000 00
do Property tax of 1869	50,000 00
do Poll tax of 1869	8,400 00
do License tax of 1869	6,000 00
do Foreign Miners' License.....	5,000 00
do Franchises.....	225 00
	\$94 625 00
Deduct expenses for collecting	28 387 50
	\$66,237 50
EXPENDITURES	
For Legislative Department	\$13 500 00
do Territorial Prison	18,000 00
do Interest on Bonds.....	8 845 66
do Premium on Coin	2 948 55
do Salary of Controller.....	2,000 00
do Salary Superintendent Public Schools ..	600 00
do Salary District Attorneys.....	4 500 00
do Treasurer's Commissions	2,500 00
do Current Expenses.....	3,500 00
do Printing	3,000 00
	\$59,394 21

STATEMENT "F"

ASSESSMENT ROLL OF 1868.

COUNTIES.	VALUABLE PROPERTY	VAL. PERSONAL PROPERTY	TOTAL VALUATION	TERRITORIAL PROPORTION 100 CENTS.
ADA.....	\$369,137 00	\$789,980 95	\$1 159,117 95	\$11,591 17
ALTURAS.....	80 850 00	88,087 00	168 937 00	1,689 37
BOISE.....	374 958 00	974,033 28	1,348,991 28	13,469 91
IDAHO.....	No Report			
NEZ PERCE.....	110,385 00	390 856 00	501 241 00	5 012 41
OWYHEE.....	65 5718 00	742,390 26	1,396 108 26	13,961 08
ONEIDA.....	No Report			
SHOSHONE.....	11 075 00	38 510 00	49,585 00	495 85
Totals	\$1 600 125 00	\$3,021 857 19	\$4,621 982 19	\$46 219 79

STATEMENT "G"

SHOWING THE AMOUNT OF UNCOLLECTED TAX AS PER ASSESSMENT ROLL FOR 1868.

Ada County	Less expenses	\$4 426 82
Alturas do	do do	1,105 27
Boise do	do do	10,492 09
Idaho do	No Report	
N. Perce do	Less expenses	4,644 82
Owyhee do	do do	11,574 47
Oneida do	No Report	
Shoshone do	Less expenses	246 85
Total		\$32 190 32

STATEMENT "H"

SHOWING THE AMOUNT OF WARRANTS DRAWN, AND AGAINST WHAT FUND, FROM JANUARY 1st TO DECEMBER 1st, 1868.

General Fund.....	\$8,169 32
Prison Fund	19 055 85
	\$27,225 17

STATEMENT "I"

SHOWING FOR WHAT PURPOSE THE ABOVE WARRANTS WERE DRAWN.

GENERAL FUND.	
For Salary of District Attorneys.....	\$4,187 50
do Expenses Supreme Court.....	858 66
do Mileage Judge First Judicial District	1,495 50
do Printing	1,607 66
do Newspapers for use in Terr. Secretary's Office.....	20 00
	\$8,169 32
PRISON FUND.	
For Keeping and maintaining Territorial Prison.....	\$16 655 80
do Territorial Prison Commissioner.....	310 00
do Conveying convicts to Territorial Prison.....	336 00
do Serving warrants of arrests out of the Territory.....	1 418 05
do L. B. Lindsey, Sheriff Ada County.....	136 00
do Isaac Fay services.....	200 00
	\$19,055 85
Total	\$27,225 17

STATEMENT "J"

SHOWING THE APPORTIONMENT TO THE DIFFERENT FUNDS.

General Fund	\$10 845 66
Prison Fund	10 091 71
Sinking Fund	12,329 49
School Fund.....	148 13
Library Fund	50 00
	\$39,440 10

STATEMENT "K"

SHOWING THE BALANCE ON HAND IN THE TERRITORIAL TREASURY DEC. 1st, 1868, BELONGING TO THE DIFFERENT FUNDS.

General Fund	\$ 452 22
Prison Fund	2 322 46
Sinking Fund	5,166 36
School Fund overpaid	\$3 10
Library Fund	240 00
Deduct School Fund overpaid	3 10
	\$8 181 04
Balance in Treasury	\$8 177 94

STATEMENT "L"

SHOWING THE OFFICIAL VOTE FOR DELEGATE TO CONGRESS FOR THE YEARS 1866 AND 1868.

COUNTIES	1866	1868.	TAXABLE IN-HABITANTS.	ESTIMATED NO. FOR. MINERS.
ADA.....	713	892	571	
ALTURAS.....	320	337	202	130
BOISE.....	3,285	1,882	845	465
IDAHO.....	400	761	No Report	20
NEZ PERCE	385	357	243	140
OWYHEE	1,226	1,148	621	
ONEIDA.....	169	171	No Report	
SHOSHONE	66	86	116	131
Totals	6,564	5,634	12,598	880
Estimated number of Inhabitants.....				25,000
do do do Chinamen				1,500

First Biennial Report of the Superintendent of Public Instruction

Cram. for 1867 and 1868.

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
Boise City, Dec. 1st, 1868.

To His EXCELLENCY, DAVID W. BALLARD, Governor of Idaho Territory:

Sir,—I herewith submit to you the second Report upon the Public Schools for the years 1867 and 1868, in Idaho Territory, with the request that it be transmitted to the Legislature as soon as may suit your convenience.

Very respectfully

your obedient servant,

DANIEL CRAM,
Superintendent Public Instruction.

REPORT.

To the Council and House of Representatives of the Territory of Idaho:

GENTLEMEN,—The present Report will show to you that considerable progress has been made in the cause of Education in our Territory.

I feel satisfied that a more universal and a deeper interest is being manifested throughout the Territory, and there is still room for improvement. Our population is becoming more permanent; families are increasing in wealth, as well as in numbers, who are desirous of securing for their children the best of instruction. We should be anxious to push the cause in the right course. I believe that the next two years will give us great encouragement in the advancement of education in our Territory, and will enable the Superintendent to present an enlarged report to your honorable body.

The following abstracts, made up from such reports as have been received at this office, show the improvement in the cause over the last report, issued from this office December 1st, 1865:

SYNOPSIS OF REPORTS RECEIVED FROM THE DIFFERENT COUNTY SUPERINTENDENTS FOR THE YEAR 1867.		REMARKS.
WHOLE NUMBER OF CHILDREN BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE	300 179	In Dis. 2, 4, 7, 8 organization not kept up; 12 partly organized first schools; 13 now being taught.
NUMBER OF GIRLS BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE	90 184	In Boise all flourishing and organizations kept up
NUMBER OF BOYS BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE	210 172	In Owyhee in good condition and organizations sustained.
TOTAL EXPENSES	\$600 00	
INCIDENTAL EXPENSES	\$100 00	
AMOUNT PAID TEACHERS	\$500 00	
PROPORTIONAL ATTENDANCE	3 mon 100 per day	
LENGTH OF SCHOOLS DURING THE YEAR	3 mon 49	
NUMBER OF VOLUMES	none	
NUMBER OF LIBRARIES	none	
NO. OF SCHOLARS ATTENDING SCHOOL	138	
NO. OF SCHOOLS	4	
NUMBER OF SCHOOL HOUSES	4	
NO. OF DISTRICTS IN COUNTY	13	
DATE OF REPORTS, 1867	Aug. 31. No Report.	
	Oct. 8. No Report.	
	Aug. 31. Report.	
COUNTIES.	ADA. ALTURAS. BOISE. IDAHO. NEZ PERCE. OWYHEE. ONEIDA. SHOSHONE.	

SYNOPSIS OF REPORTS RECEIVED FROM THE DIFFERENT COUNTY SUPERINTENDENTS FOR THE YEAR 1868.

REMARKS.	WHOLE NUMBER OF CHILDREN BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE	NUMBER OF GIRLS BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE	NUMBER OF BOYS BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE	TOTAL EXPENSES	INCIDENTAL EXPENSES	AMOUNT PAID TEACHERS	PROPORTIONAL ATTENDANCE	LENGTH OF SCHOOL DURING THE YEAR	NUMBER OF VOLUMES	NUMBER OF LIBRARIES	NO. OF SCHOLARS ATTENDING SCHOOL	NUMBER OF SCHOOLS	NUMBER OF SCHOOL HOUSES	NO. DISTRICTS IN COUNTY	DATE OF REPORTS, 1868	COUNTIES.
	414	207	207	\$630 00	\$325 00	\$325 00	35 per day	4 1/2 mo	none	none	94	5	5	15	Oct. 1 No Report.	ADA.
	285	137	148	2,906 62	681 93	2,224 69	18 do	7 1/2 mo	none	none	127	5	4	5	Aug. 31. No Report.	ALTURAS.
	81	42	39	905 41	118 00	787 00	17 do	3 1/2 mo	none	none	42	3	3	3	Aug. 31. No Report.	BOISE.
	146	65	81	1,137 68	71 00	1,066 68	82 per day	6 mo	none	none	82	1	1	1	do	IDAHO.
																NEZ PERCE.
																OWYHEE.
																ONEIDA.
																SHOSHONE.

TERRITORIAL SCHOOL FUND.

DR.		
January 17, 1867, paid Warrant No 2	\$50 00	
do do Commissions	1 00	
do do Balance	136 24	\$187 24

CR.

Nov. 30, 1866, Balance	\$ 3 76	
Dec 20 do By Ada County	131 50	
Sep 21, 1867, do Owyhee County	51 98	\$187 24

TERRITORIAL SCHOOL FUND.

DR.

Sep. 30, 1868, To paid Warrant No 3	\$255 00	
do do To paid interest	27 62	
do do To Treasurer's commission	5 65	\$288 27

CR.

Jan. 1 1868, By balance	\$136 24	
Mar. 25 do By Ada County	30 82	
do do By Alturas	18 24	
Sep 30 do By Owyhee	65 92	
do do By Alturas	33 05	
Dec. 1 do By balance	3 10	\$288 27

Dec. 1st, 1868 to balance brought down \$3 10

It is not expected that a large amount of money will be realized from the sale of School Lands for some time to come.

The U. S. School Land Law provides that sections 16 and 36 be reserved in each township for school purposes. The Territorial School Law excludes the 36th section; this only gives the proceeds of the 16th section for school purposes.

The small amount of tax received from all sources, as provided by the School Law, does not afford sufficient funds to enable the Superintendent to furnish the suitable blanks necessary for the better assistance of the County Superintendents, and other purposes; and it is thought best and necessary that more and new sources of revenue be provided to increase this fund.

I would recommend that five per cent. of the sale of Territorial and County Licenses be taken from the eighty per cent. now allowed to Counties and placed to the Territorial School Fund, to prevent the embarrassment that has hitherto been experienced.

The School Law provides that the Collector receive no percentage on the collections of this fund, and for this reason make but little effort to collect the tax as the law provides. I would therefore recommend that the law be so amended as to secure to the collection of such school tax a fair compensation,

as I am well satisfied that the fund would be the gainer by it.

The liberal encouragement given by other States and Territories to the cause of education we wish extended to the children of our Territory, to impress upon them that the stepping stone of liberty, prosperity and greatness, lies in the early culture of their moral and intellectual faculties, and the acquisition of a plain common school education is more to be desired than temporal prosperity.

I therefore request that the most liberal encouragement the finances of the Territory will admit be given for this purpose. The position Idaho is to assume in the country, with communications to all parts of the world, renders it necessary that in this important particular her people should be zealous to be second to none.

In the absence of a school house in districts entirely able to provide suitable school buildings, I would suggest the propriety of such Legislative action as will secure to the trustees the means of school accommodations in these several districts; and were said boards authorized in the exercise of a sound discretion to levy, collect and expend a reasonable tax for such buildings, or for repairing the same, it is believed that such a law would be beneficial to the district thus taxed, and would be approved by the people of the Territory.

The absence of school houses in some districts is not founded on the want of means or ability to build them; they are evidences of selfishness or ignorance wherever they are found. Hence a law of the kind indicated would not be regarded as oppressive.

There is a commendable spirit manifested throughout the Territory, and the County Superintendents seem alive to the cause. Briefly, then, our needs are money and teachers.

That which Idaho needs most, in order to educate her children, is to foster her General School Fund and increase it in every possible way. It is upon this we must depend to supply our schools with the kind of teachers needed to make them what they should be and must be in order to accomplish the object of the institution. In proportion as our schools improve in excellence, in that proportion will the people exert themselves to maintain them.

The utility of general knowledge to those living under a Government like ours, complex in its character, and depending upon the intelligence of the people for its efficient and harmonious action, cannot be questioned.

There should be taught in all our schools those branches which will prepare the youth, who will soon be called upon, to perform the responsible duties of public trust and hold posi-

tions of honor. And school officers and teachers should use their power and influence to make our public schools subserve their beneficent purposes; that is, to provide instruction in those branches, and to form those habits that will fit our youth to become useful citizens.

As a general thing the reports from the several County Superintendents have been rather meagre. A full and extended review of the condition of the schools in the several districts to the Superintendent would enable him to give to those interested in the cause of education in the Territory a fuller and more definite view of the system, and also enable him to comply more fully with the requests of Superintendents of other States and Territories, to furnish them with the system and progress of learning in our Territory.

Before closing my remarks I would call the special attention of County officers and teachers to the instructions given in the Public School Law by my predecessor, and urge their prompt compliance with the same.

I have embodied in this report such remarks and information as I could procure for the benefit of the cause of education, and such suggestions as I thought would be most conducive for the improvement of our Common School system. Hoping it may meet with your full approbation and support,

I remain your obedient servant,

DANIEL CRAM,
Supt Public Instruction, I. T.

— First Biennial Report —
— of the —
Territorial Treasurer
— E. C. Sterling —

**TERRITORIAL TREASURER'S OFFICE,
Boise City, I. T., Dec. 4th, 1868.**

TO HIS EXCELLENCY, D. W. BALLARD, Governor of Idaho:

Sir,—Herewith please find Treasurer's First Biennial Report as required by law, showing a full exhibit of all moneys received into and paid out of the Treasury from Dec. 1st, 1866, up to Dec. 1st, 1868, inclusive.

Very respectfully,
Your obedient servant,
E. C. STERLING,
Territorial Treasurer.

REPORT.

TERRITORIAL TREASURER'S OFFICE,
Boise City, I. T., Dec. 1st, 1868.

To His Excellency, D. W. Ballard, Governor, and the Honorable Council and House of Representatives of the Territory of Idaho;

GENTLEMEN,—I have the honor of submitting the First Biennial Report of the transactions of this office, commencing Dec. 1st, 1866, and ending Dec. 1st, 1868.

A detailed statement of the receipts and expenditures and transactions of this office is arranged under the following headings, to-wit:

- "A" Statement—table showing old balance and receipts from all sources.
- "B" Statement—table showing kinds of money received.
- "C" Statement—table showing the apportionment and disbursement of funds.
- "D" Statement—recapitulation of cash.
- "E" Statement—statement of Bonds.
- "F" Statement of indebtedness of the Territory, &c.

STATEMENT "A"

GENERAL ACCOUNT OF RECEIPTS INTO TREASURY.

Dec. 3rd, 1866, Balance Cash on hand.....	\$7,090 74
1867, Received from Alturas County.....	3,532 14
" " " Ada, ".....	9 76 40
" " " Boise, ".....	24,865 92
" " " Idaho, ".....	1,488 91
" " " Owyhee ".....	13,255 51
" " " Oneida, ".....	200 00
" " " Shoshone, ".....	1,479 18
" " " Nez Perce, ".....	2,270 46
" " " Lib. Fnd, ".....	120 00
Total.....	\$64,059 26

STATEMENT "B"

SHOWING THE KIND AND BATES OF ELEMENTS RECEIVED.

CREDIT.	DEBIT.	DEBIT.		DEBIT.		DEBIT.		DEBIT.		DEBIT.		TOTAL.
		AT \$16.	PER OZ.	AT \$10.	PER OZ.	AT \$10.	PER OZ.	AT \$10.	PER OZ.	AT \$10.	PER OZ.	
1857.												
1858.												
1859.												
1860.												
1861.												
1862.												
1863.												
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1894.												
1895.												
1896.												
1897.												
1898.												
1899.												
1900.												

Which amounts have been disposed of in the funds as follows:

Which amounts have been disposed of in the funds as follows:

STATEMENT "C"

GENERAL FUND--TO APPORTIONMENT--BY DISBURSEMENTS.

TO APPORTIONMENT.		BY DISBURSEMENTS.
To balance Dec. 3d. 1866	\$ 1 961 17	
" apportionment, 1867	23,823 71	
By amount paid on warrants 1867, " old series," numbers 208--211--212--214--217--218--219 and 213		\$2,566 96
" interest on the same		270 75
Paid second second series from number 13 to No. 30, and from No. 123 to No. 260		\$8,837 71
Interest on the same	11,344 28	
Vouchers <i>World office</i> for printing	1,085 34	12,429 62
Controller's salary, 1866		1,700 00
Controller's salary, 1867		1,504 41
Treasurer 2 per cent. for disbursing the sum of \$21,135 98		2,664 24
40 per cent. contingent expense		422 72
50 per cent charges account		750 83
50 per cent commission account		248 15
Balance in fund		900 72
		2,326 48
Totals	\$25,784 88	\$25,784 88

"C"—Continued.

PRISON FUND.

TO APPORTIONMENT.		BY DISBURSEMENTS.	
Apportionment 1867.....	\$14,286 79		
By amount overpaid 1866.....		\$	310 08
1867 paid warrants from No. 12 to No. 36.....		\$11,087 81	
Interest on same.....		1,031 50	12,119 31
Treasurer's 2 per cent on the sum of \$12,119 31.....			242 39
30 per cent. cont'g't expense account.....			375 41
30 per cent. charges account.....			148 89
30 per cent. commission account.....			540 44
Balance in fund.....			550 27
Totals.....	\$14,286 79		\$14,286 79

"C"—Continued.

SINKING FUND.

TO APPORTIONMENT.		BY DISBURSEMENT.
Balance Dec. 3rd, 1866.....	\$ 5,350 22	
To Apportionment 1867.....	16,889 50	
By Paid December coupons, 1866.		\$4 064 67
Additional discount on dust ...		520 00
H C. Street, as per Act Leg't're.		\$4,584 67
Telegraphic dispatches, do		1,000 00
June 1867 coupons.....	3,293 17	231 20
Additional on discount.....	273 24	3,566 41
For issuing 2nd series of bonds..		350 00
December 1867, coupons.....	4,644 40	
Additional on discount.....	1 171 26	5,815 66
Contingent Fund Warrants from No. 1 to No. 54.....	3,898 00	
Interest on same.....	200 64	4,098 64
T'rs 2 per cent on \$19,616 58..		392 94
40 per cent cont'g't expense....	750 83	
20 per cent. charges account....	99 26	
20 per cent. commission account	360 28	1,210 37
Balance in fund.....		989 83
Totals.....	\$22,239 72	\$22,239 72

"C"---Continued.

SCHOOL FUND.

To balance Dec 3d 1866.....	\$ 3 76	
Apportionment 1867.....	183,48	
By paid warrant No. 2.....		\$ 51 00
Balance in fund.....		186 24
Totals.....	\$187 24	\$187 24

LIBRARY FUND.

To Balance Dec. 3rd 1866.....	\$ 70 00
To Apportionment 1867.....	120 00
Total.....	\$190 00
By amount in fund.....	\$190 00

STATEMENT "D"

RECAPITULATION OF CASH.

General Fund.....	\$26,784 88
Prison Fund.....	14,286 79
Sinking Fund.....	22,239 72
School Fund.....	187 24
Library Fund.....	190 00
Balances of counties unapportioned; transferred to the account of Idaho Territory.....	1,370 63
Total.....	\$64,059 26

STATEMENT "E"

IDAHO TERRITORY 12 PER CENT COUPON BONDS ACT OF JANUARY
12TH, 1860, MATURING DEC. 1ST, 1875, 1ST SERIES.

Amount issued to Dec. 1st, 1866 ..	\$45,816 58	
To Dec 31st, 1867	2,886 74	
Total	\$48,697 32	
Second series maturing at same time Act of Jan. 14th, 1867. Amount issued to Dec. 31st, 1867.	\$23,747 27	
Total in Bond to date.	\$72,444 59	\$72,444 59
Warrants on Register subject to bond.		\$2,282 78

STATEMENT "F"

CURRENT INDEBTEDNESS DEC. 31ST, 1867.

General Fund Warrants	\$ 7,276 25	
Prison Fund Warrants	12,214 22	
School Fund Warrants	255 00	
	\$19,745 47	
From which deduct balances in funds	\$6,053 50	
Balance unapportioned.	1,370 63	7,424 13
	\$12,321 34	\$12,321 34
Indebtedness of the Territory		\$87,048 71

The receipts as exhibited in this Report appear large for the year in comparison with the year previous or following. This Statement includes the December settlements of counties for 1866, and for the full year of 1867, with the exception of Nez Perce and Idaho counties, receipts of which for December quarter of 1867 arrived in January 1868, consequently do not appear in this Statement. The law requiring Treasurers to make their returns to this office the second Mondays of March, June, September and December, precludes the possibility of receiving and making up the returns of the fourth quarter to appear in the Treasurer's Report required at the convening of the Legislature.

I would suggest and recommend that the time for final settlements for the year be fixed by law at an earlier date, in order that as near as may be, full reports may be laid before the Legislature which would enable them the more readily to understand the applications and working of the revenue.

By referring to the foregoing Report the inequality of moneys returned will be observed. Since the organization of the Territory there has been no uniformity of revenue returned to this office, the want of which has caused no little annoyance and complication.

The Legislature (fourth session,) that revised the revenue laws had this object in view, and so amended the law, making revenues collectible in coin or in currency at two per cent. above San Francisco quotations which, owing to the fluctuation of currency left no equal basis but a wide margin for difference.

Early in the spring of 1867 exceptions were taken on the demand of coin for taxes as the revenue law provided, parties tendering currency at par for such demand. Case at issue, (Misener & Lamkin, vs. A. Haas,) Assessor and Collector of Ada county, which case terminated in the Supreme Court of this Territory at the January term, 1868, decision sustaining currency at par as a legal tender for taxes. Through this decision was destroyed the utility of the present revenue law. In connection therewith I would respectfully call your attention to the deficiency which must of necessity occur as between receipts and disbursements in this office.

Our obligations in the form of bonds, "old indebtedness" are specifically provided for, to be paid principal and interest in the gold and silver coin of the United States. The Treasurer is further authorized and instructed that when such coin shall not be in the Treasury to meet interest &c., he shall pay an additional amount of such funds as he shall have received to make the same equivalent thereto, in obeying which to meet interests, discounts have been from one to thirty-three and a third per cent. adopting currency at seventy-five cents as a coin basis. Warrants on the funds for current expenses were supposed by the holders to be payable in coin or at the rates the revenues were fixed, though not so especially provided for as were the bonds; such obligations have been canceled as far as paid in the current funds as received.

In disbursements I have been compelled to use discretionary, if not extraordinary powers, awarding as near as circumstances would admit, to the paper presented by the different counties, the kind of money and at the rates received from such counties, assuming that such a course was as near correct as any rule I could adopt.

For a further Statement I will refer you to the annexed Report for the current year of 1868:

REPORT-1868.

STATEMENT "A"

OF RECEIPTS INTO THE TREASURY TO NOVEMBER 30TH, 1868,
FROM ALL SOURCES.

Balance from 1867	\$ 6,053 50	
Received from Ada County	7,509 41	
" " Alturas do	1,951 80	
" " Boise do	15,137 65	
" " Idaho do	2,114 83	
" " Nez Perce do	5,707 86	
" " Owyhee do	4,438 46	
" " Oneida do	325 00	
" " Shoshone do	1,344 34	
" " Lib'y Fund	50 00	
Total receipts		\$43,632 88

STATEMENT "B"

SHOWING THE KIND AND RATES OF REVENUE RECEIVED.

COUNTIES 1867.	CURRENCY AT PAR.	CURRENCY AT 76cts.	GOLD DUST AT \$16 PER OZ.	BULLION AT PAR.	TOTAL.
Ada	\$7,509 41				\$ 7,509 41
Alturas	1,951 80		\$259 32		1,951 83
Boise	13,997 70	821 13		318 82	15,137 65
Idaho	2,114 83				2,114 83
Nez Perce	4,707 86				4,707 86
Owyhee	4,438 46				4,438 46
Oneida	325 00				325 00
Shoshone	1,344 34				1,344 34
Library Fund	50 00				50 00
Totals	\$36,180 11	\$821 13	\$259 32	\$318 82	\$37,579 38

RECAPITULATION OF RECEIPTS. - Currency at par, \$36,180 11..... Currency at 76cts, \$821 13..... Gold Dust at \$16 per ounce, \$259 32..... Bullion at par, \$318 82..... Total - \$37 579 38.

Which amount has been disposed of in the funds as follows:

STATEMENT "C"

OF AMOUNTS APPORTIONED AND DISBURSED IN GENERAL FUND.

Balance from 1867	\$ 2,326 48	
To apportionment 1868	16,819 57	
By paid sundry warrants, adv'ced in Dec 1867, and to No. 273 inclusive	\$13,215 99	
do Interest on same	1,013 18	\$14,229 17
do Controller for three quarters salary		1,950 00
do Treasurer 2 per cent for disburs- ing \$16,179 17		323 58
do 50 per cent charges account	181 33	
do 50 per cent Commission account	879 89	
do 50 per cent Contingent account	1,137 86	2,191 08
Balance in fund		452 22
Totals	\$19,146 05	\$19,146 05

"C"---Continued.

SHOWING AMOUNTS APPORTIONED AND DISBURSED IN PRISON FUND.

To Balance from 1867	\$ 550 27	
To apportionment 1868	10,091 71	
By Paid warrants from No. 35 to No. 51 inclusive	\$6,238 89	
do Interest on same	628 69	\$6,867 52
do Treasurer 2 per cent for disburs- ing \$6,867 52		137 35
do 30 per cent charges account	108 80	
do 30 per cent. commission acc't	523 14	
do Contingent do	682 71	1,314 65
Balance in fund		2,322 46
Totals	\$10,641 98	\$10,641 98

"C"---Continued.

SHOWING AMOUNTS APPORTIONED AND DISBURSED IN SINKING FUND.

Balance from 1867	\$ 989 83	
Apportionment of 1868	12,329 86	
By paid Coupons		
Mar. 9th do do do	\$ 446 17	
Mar. 9th do do do add'l 33 1/3	148 72	\$ 594 89
Jul. 30th do do Coupons	3,766 63	
Jul. 30th do do Additional 33 1/3	1,255 54	5,022 17
July 7th do do Coupons	297 46	
July 7th do do Additional 33 1/3	99 15	396 61
Sep 28 do do Coupons	783 26	
Sep 20 do do Additional 33 1/3	261 08	1,014 34
do do Contingent War- rant, No. 9		76 20
Treasurer 2 per cent for disbursing \$7,134 21		142 68
20 per cent charges account	72 54	
20 per cent commission account	348 75	
20 per cent contingent account	455 15	876 44
Balance in fund		5,166 36
Totals	\$13 319 69	\$13,319 69

"C" Continued.

STATEMENT OF SCHOOL FUND.

Balance from 1867	\$136 24	
To apportionment 1868	148 93	
To amount overpaid	5 10	
By paid warrant No. 3	\$288 27	\$288 27

"C"---Continued.

STATEMENT OF LIBRARY FUND.

Balance from 1867	\$190 80	
Paid in during the year of 1868	50 00	
Balance in fund	\$240 00	\$240 00

STATEMENT "D"

RECAPITULATION.

Balance in funds Jan. 1st, 1868	\$ 6,053 50	
Amount received up to Nov. 30, '68.	37,579 38	
	\$43,632 88	
By amounts paid General Fund	\$18,693 83	
do do do Prison do	8,319 51	
do do do Sinking do	8,158 33	
do do do School do	288 27	
	\$35,454 94	
Cash balance in Treasury		\$8,177 94

BALANCES IN THE TREASURY.

Library Fund	\$ 240 00	
Sinking Fund	5,166 36	
General Fund	452 22	
Prison Fund	2,322 46	
	\$8,181 04	
Less School Fund overpaid	\$ 10	
Cash Balance		\$8,177 94

STATEMENT "E"

SHOWING INDEBTEDNESS AS TAKEN FROM BOOKS IN THIS OFFICE
DEC. 1st, 1868.

Amount in Bond Jan. 1st, 1868..	\$72,444 59	
" issued to Nov. 30, "	1,269 28	\$73,713 87
Warrants on Reg'r subject to bond..		1,013 50
" "F"		
Current indebtedness, General Fund.		3,098 00
" " Prison "		25,011 04
Dec. 1868 Coupons Sinking "	\$4,424 84	
Add " 33 1/2 "	1,474 94	5,899 78
From which deduct Cash in the Treas-		\$108,736 19
ury.....		\$8,177 94
Estimate of December 1868 returns. \$18,000.		\$100,558 25

From the foregoing Exhibit it will be perceived that the finances of the Territory are in a healthy condition, our heaviest indebtedness being in Bonds. Our Bonds are sought for as an investment, and are held at an advancing figure, a general confidence being felt at home and abroad in the good faith of the Territory in fulfilling her obligations as by Statute Act contracted. I would respectfully call your attention to the justice and necessity of so amending the Funding Act as to authorize the Treasurer to issue duplicate bonds for those *lost or destroyed*, several applications having been made by parties thus inconvenienced, as the present law does not contemplate or cover cases of this kind.

Reports to this office from the various County Treasurers for the time shown in this Report have been accompanied with cash to balance the same, with the exception of Oneida, for which I will refer you to the Controller's Report.

I hope to be able by the 20th inst to lay before you a subsequent report showing the returns of the fourth quarter of 1868, the proceeds of which are estimated in the foregoing Report.

The revenues received and apportioned to the different funds as the law directs have thus far proved adequate to meet the drafts against them, with the exception of the Prison Fund, warrants against which exceed the thirty per cent. apportioned to that Fund. It will be remembered that that Fund was not included in the second Funding Act, hence the apparently large showing of its indebtedness.

By an act of the second Legislature a tax of one per cent of the proceeds of franchises was made collectible, to be set aside as a Territorial School Fund, provisions made for disbursing, etc., the collection of which does not appear to have been generally observed, as since the passage of the law there has been only two hundred and eighty-five and seventeen hundredth dol-

lars, (\$285 17,) returned to this office from that source, barely enough to meet the incidental expenses of printing forms for the Superintendent of Public Instruction.

By referring to the Report you will also find designated a Library Fund, created by act of Legislature, first session, levying a tax of ten dollars upon all attorneys admitted to practice in the Courts of this Territory, which by referring to the returns from that source must lead to the inference that the collection was not generally observed, or that sundry amounts remain in the hands of the clerks of the District Courts whose duty it is to attend to this matter, and to refer applicants for admission to practice in the Courts to this office for receipt, etc. I would recommend the appropriation of this fund for the purposes designated or transfer to the other funds.

During the two years last past various suits have been brought against the Territorial Treasurer in the form of *mandamus*, which have generally terminated in the Supreme Court. To defend the interest of the Territory it became necessary to employ counsel. As there is no authority for the Controller to draw warrants for such services, such claims remain unpaid, for which a reasonable appropriation should be made, and provision made by law to pay for such services in the future as may be necessary to defend the interests of the Territory.

I would respectfully call your attention to a suit now pending, case entitled (*Crutcher vs. Territorial Treasurer*.) Treasurer being *mandamus*ed to pay warrant on Prison Fund at coin rates as the revenue law provides whereas Treasurer tendered currency at par it being the current funds received.

In conclusion, I would respectfully state that the foregoing is a full, true and correct exhibit of the transactions of this office for the time above mentioned.

All of which is respectfully submitted,

E. C. STERLING,
Territorial Treasurer.

First Biennial Report of the Territorial Prison Commissioner

E. C. Sterling
1867 & 1868.

TREASURER'S OFFICE,
BOISE CITY, December 1st, 1868.

To His Excellency, DAVID W. BALLARD, The Governor of Idaho:

DEAR SIR,—I have the honor herewith to transmit my Annual Report, for the years 1867 and '8, as Prison Commissioner for the Territory of Idaho.

I have the honor to remain,

Very Respectfully, your obedient servant,

E. C. STERLING,
Territorial Prison Commissioner,

REPORT.

OFFICE OF PRISON COMMISSIONER,
Boise City, I. T., Dec. 1st, 1868.

To the Honorable Council and Legislative Assembly of the Territory of Idaho:

GENTLEMEN,—In compliance with the law defining the duties of Prison Commissioner, requiring Annual Reports, &c., I have the honor to respectfully submit the following Report for the years of 1867 and 1868.

The County Jail of Boise County having been made, by Act of third Legislature, 1866, temporary prison for the Territory, the same is still so used and occupied.

The law governing the conduct of the Prison, creating Commissioner and Prison Keeper, and fixing the compensation for each service connected therewith, leaves the undersigned, your Commissioner, but little to add, aside from reporting the facts and statistics relating thereto. The building used as a Prison has thus far proved adequate for all purposes of confinement, and under the management of Mr. Crutcher, Prison Keeper, has been kept in a cleanly and orderly manner, and with as few escapes occurring as could reasonably be expected. At the date of my last Report, rendered December 3rd, 1866, there was in the custody and keeping of the Territorial Prison, the following named persons, to-wit: and committed during the year of 1867, the persons whose names appear in the following Report:

COMMITTED DURING THE YEAR 1866.

NAMES OF PRISONERS.	FROM COUNTY.	CRIME COMMITTED	WHEN SENTENCED.	NUMBER YEARS	REMARKS.
John Gilmore.	Boise.	Murder.	Apr. 8 '65.	20 yrs.	Pardoned Jan. 1 '67.
Hiram Kurtz.	"	"	Jan. 18 '66.	Life.	In custody.
Victor Boley.	Ada.	"	May 29 '66	20 yrs	Pardoned Nov 6 '67.
Michael Deal	"	G'd L'r'ny.	May 24 '66	1 year.	Escaped Apr 3 '67.

COMMITTED DURING THE YEAR OF 1867.

NAMES OF PRISONERS.	FROM COUNTY.	CRIME COMMITTED	WHEN SENTENCED.	NUMBER YEARS	REMARKS.
J. C. Page.	Ada.	Bogus Dust.	Jan. 3rd '67.	8 yrs.	Released by order of Court Feb 4, 1867.
Michael Dunn.	Boise.	Murder.	Feb. 26th '67.	20 "	Esc'p'd Apr. 3 '67. Killed in recapturing.
Ah Yon.	Ada	Robbery.	May 8th '67.	7 "	In custody.
Ah Lee.	"	"	" " "	6 "	" "
Jim Sing.	"	"	" " "	6 "	" "
John Finnegan	Boise.	Counterfeiting.	July 29th "	3 "	" "
Meyer Frank.	"	G'd L'r'ny	" 22d "	2 "	" "
J. D. Cozad.	"	Assault.	" 19th "	1 "	Released by Court
A. J. Nash.	"	"	" " "	1 "	Pardoned Sep. 21 1867.
J. C. Page.	"	Bogus Dust.	" 11th "	7 "	In custody
D. McCormac.	Ada.	Assault.	Dec. 2nd "	2 "	" "
B. Crossen.	Boise.	Manslaughter	Nov. 18th "	3 "	" "
M. L. Smith.	Owy'e.	Arson.	Oct. 21st "	8 "	" "
John Bradley.	"	G'd L'r'ny.	" 22d "	5 "	" "
Ah Sin	"	"	" 18th "	1 "	" "
Ah Yon.	"	"	" " "	1 "	" "

Number of Prisoners during the Year, 20.
Pardoned and released "five." Escaped "two." Leaving the number of "thirteen." December 31st, 1867.

EXPENSES OF PRISON.

The following Bills have been audited and Warrants drawn against Territorial Prison Fund for expenses of same during the year of 1867, as follows:

For Keeping and maintaining prisoners.	\$6,326 00
" Guard service.	4,380 00
" Salary of Prison Keeper.	2,500 00
" Conveying convicts to Prison	697 54
" Repairing Prison Yard.	600 00
" Buckets for cells.	36 00
" Prison Commissioner's fees and mileage.	455 00
Total.	\$14,594 63

Names of Prisoners in confinement Jan. 1st, 1868 as shown in Statements of 1867.

NAMES.	REMARKS.
Hiram Kurtz	Pardoned Sept. 29th, 1868
Ah Lee	In custody
Ah Yon.	Escaped June 1868
Jim Sing.	In custody.
John C. Page	" "
John Finnegan	" "
Meyer Frank	Discharged by order of Court Feb. 12th, '68
M. L. Smith.	In custody.
Ah Yon, Owyhee.	Sentence expired Oct. 17th, 1868.
Ah Lieu.	" "
Bernard Crossen	Pardoned April 7th, "
Daniel McCormac	" Nov 19th "
John Bradley.	In custody.

COMMITTED DURING THE YEAR OF 1868

NAMES OF PRISONERS	FROM COUNTY.	CRIME COMMITTED.	WHEN SENTENCED.	NUMBER YEARS	REMARKS
J. H. Hepworth	Owy'e	G'd L'r'ny.	Jan 30 '68.	18 y'rs.	In custody
Edward Stock	Boise.	Murder.	Apr. 10 '68.	Life.	" "
James O'Brian.	"	G'd L'r'ny.	July 24 '68	5 y'rs.	" "
John Williams.	Owy'e.	" "	Oct. 19 '68	7 "	" "

Time of prisoners expired during the year.	2
Prisoners pardoned during the year.	3
Discharged by Court.	1
Prisoners escaped during the year	1
Remaining in custody Dec. 1st, 1868	10

PRISONERS REMAINING IN CUSTODY DEC. 1st, 1868.

Ah Lee,	Jim Sing,
John C. Page,	John Finnegan,
M. L. Smith,	John Bradley,
John H. Hepworth,	Edward Stock,
James O'Brian.	John Williams

The expense of conducting the Prison for the eleven months up to the time of making this Report, has been as follows:

For keeping and maintaining prisoners	\$10 125 00
Guard service.	4 020 00
Salary of Prison Keeper	2,291 63
Conveying Prisoners to Prison.	215 00
Prison Commissioner's fees and mileage	310 00
Total.	\$16,961 63

It will be seen by the foregoing statistics that the maintenance of the Territorial Prison during the year of 1867 was \$14,594 63, and for the eleven months last past, \$16,961 63, making a total of \$31,556 26, under the present laws regulating the same.

This would seem to be a very large amount, and when it is taken into account that the number of prisoners are constantly increasing, and, as a consequence the expense must also increase; and the further fact that the indebtedness of the Territory from this source is increasing instead of diminishing, it would seem to be wisdom to curtail this great expense that the revenues applicable thereto might be adequate to meet it.

The law contemplates the employment of the labor of the prisoners, but no feasible project has yet been devised by which their labor could be used so as to pay even a portion of the expense of keeping them; and I have serious doubts whether any branch of labor will be found at the present temporary location of the Prison at which they can be profitably employed, or, indeed, where their labor will pay the additional expense of guarding them whilst they are employed. Besides the necessity of making the labor of the prisoners pay at least a part of the expense of the Territorial Prison, it would certainly be for the comfort and health of the prisoners if they were employed at some useful occupations. As they now are neither their minds or bodies are employed, except in constantly planning means of escape.

I would respectfully call the attention of the Legislature to the Act of Congress appropriating the sum of forty thousand dollars towards the building of a Penitentiary, and respectfully suggest such action at an early day as will make the appropriation available for that purpose; and in this connection I would suggest the propriety of a further appropriation by the Legislature if deemed necessary, and a provision for a special fund for that purpose, and also the propriety of the passage of a law providing for the use of the prison labor, so far as the same may be available towards the erection of the necessary Penitentiary buildings.

This being a young and growing Territory, (embryo State,) much depends upon our action as to its prosperity in the future. I trust I am not stepping beyond my duty in calling your attention to a few matters essential to the future success and economy in the location of this institution.

1st. The necessity of locating where prisoners can be supported at the least possible expense.

2d. Where the labor of the prisoners in future years can be used to the greatest advantage without coming in direct contact with that of the citizen.

3d. Where the necessary materials for constructing the prison buildings are most convenient.

4th. Where the labor of the prisoners can be used at the greatest number of employments without injury to the industrial pursuits of the country.

5th. Where the labor of the prisoners can be used to the best advantage in constructing the Penitentiary buildings.

6th. Where the institution will be nearest the eye and supervision of the Legislature and such officers as in its wisdom shall be designated to manage and conduct the same.

7th. In a dry and healthy locality—and if a place can be found combining all of these advantages, I doubt not you will in your desire to do the best for the future prosperity of the Territory, erect it there, regardless of the interests of particular localities or individuals.

All of which is respectfully submitted,

E. O. STERLING,
Territorial Prison Commissioner.

Rules of the House of Representatives

I.

MEETING.

The House shall meet, each day of sitting, at 11 o'clock, A. M.; unless the House shall adjourn to some other hour. A majority of all the members of the House shall constitute a quorum.

II.

ORDER OF BUSINESS.

After calling the Roll and the reading and approval of the Journal, the order of business shall be as follows:

1. Presentation of Petitions;
2. Notices of Bills;
3. Reports of Standing Committees;
4. Reports of Select Committees;
5. Messages from the Governor;
6. Motions and Resolutions;
7. Messages from the Council;
8. Introduction and First Reading of Bills;
9. Second Reading and Reference of Bills;
10. Third Reading of Bills;
11. Unfinished Business of the General Orders;
12. Special Orders of the Day;
13. General Orders of the Day; but Messages from the Governor, Communications from Territorial Officers, Messages from the Council, and Reports from the Committee on Engrossed Bills, may be received under any Order of Business

III.

PETITIONS.

Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as this House shall determine.

IV.

BILLS.

Every bill shall be introduced by giving at least one day's notice, or by leave of two-thirds of the House, except such bill shall be introduced by a committee in accordance with a rule of the House.

V.

Every bill shall receive three readings previous to its passage. The Speaker shall give notice, at each reading, whether it be the first, second or third reading. The first and second readings shall be on the same day, unless an objection be interposed. No bill shall be amended or committed until twice read. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no objection be made, or if the question to reject be negatived, the bill shall then take the usual course.

VI.

DUTIES OF SPEAKER.

He shall take the Chair precisely at the hour appointed for meeting; shall immediately call the House to order, and on the appearance of a quorum shall cause the Journal of the preceding day to be read.

VII.

He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

VIII.

He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

IX.

All Acts, Addresses and Joint Resolutions, shall be signed by the Speaker; and all Writs, Warrants and Subpoenas, issued by order of the House, shall be under his hand, attested by the Clerk.

X.

In case of any disturbance or disorderly conduct in the lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

XI.

SERGEANT AT ARMS AND DOORKEEPER.

The Sergeant at arms shall attend the House during its sittings; execute the commands of the House, and all process issued by authority thereof, directed to him by the Speaker.

XII.

It shall be the duty of the Doorkeeper to assist the Sergeant at arms in keeping the hall of the House in order, and attend to such other duties as the House may direct.

XIII.

It shall be the duty of the Porter to attend to warming, lighting and cleaning the Hall, and such other duties as may be directed by the House.

XIV.

Standing Committees, consisting except where otherwise specified, of three members each, shall be appointed on the following subjects:

1. Judiciary;
2. Privileges and Elections;
3. Corporations;
4. Counties and County Boundaries;
5. Education;
6. Ways and Means;
7. Mining Affairs;
8. Federal Relations;
9. Roads, Bridges and Ferries;
10. Engrossed Bills;
11. Enrolled Bills;
12. Territorial Affairs;
13. Mileage;
14. Military and Indian Affairs;
15. Printing.

XV.

All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

XVI.

It shall be the duty of the Committee on Elections to examine and report upon the Certificates of Election, or other Credentials, of the members returned to serve in this House and to take into their consideration all such petitions, and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the House.

XVII.

It shall be the duty of the Committee on Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt, or the revenue, and of the expenditure, and report from time to time their opinion thereon.

XVIII.

It shall be the duty of the Committee on Military and Indian Affairs to take into consideration all subjects relating to the military establishment, public defense, and Indian relations, which may be referred to them by the House and to report their opinion thereon; and also to report from time to time, such measures as may contribute to economy and accountability in said establishments.

XIX.

When a motion is made to refer any subject, and different Committees shall be proposed, the question shall be taken in the following order. The Committee of the Whole House; a Standing Committee; a Select Committee.

XX.

In forming a Committee of the Whole House, a Chairman, to be named by the Speaker, shall preside. Bills committed to the Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted, and reported to the House by the Chairman. After report the bill shall again be subject to amendment before the question is taken.

XXI.

The Rules of the House shall be observed in Committee of the Whole, so far as may be applicable, except limiting the time of speaking, and except that the ayes and noes shall not be taken.

XXII.

A motion that the Committee rise shall always be in order, and shall be decided without debate.

XXIII.

DECORUM AND DEBATE.

If any member in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order - in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House; but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

XXIV.

When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

XXV.

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker" and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question on the same day, and at the same stage of proceeding, without leave; and members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of other members who have not spoken.

XXVI.

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subjected to censure of the House, for language used in debate. If any member has spoken, or other business has intervened, after the words spoken and before exception to them shall have been taken.

XXVII.

Any member may rise to explain a matter personal to himself with leave of the Chair, but shall not discuss a question in such explanation.

XXVIII.

MOTIONS, ETC.

No motion shall be debated until the same be seconded, and distinctly announced by the Speaker; and it shall be reduced to writing if desired by the Speaker or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn at any time before amendment or decision.

XXIX.

A motion to adjourn or fix the time to which the House will adjourn, shall always be in order. The Clerk shall enter on the Journal the name of any member moving an adjournment, and also the hour at which the motion was made.

XXX.

When a question is under debate or before the House, no motion shall be received but—to adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate. And no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill or resolution shall have precedence of a motion to amend and if carried, shall be considered equivalent to its rejection.

XXXI.

The previous question shall be in this form: "Shall the main question be now put?" and its effect, when sustained by a majority of the members present, shall be to put an end to all debate, and bring the House to a vote on the question or questions before it.

XXXII.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question shall be decided (whether on appeal or otherwise) without debate.

XXXIII.

The previous question shall only be put when demanded by three members.

XXXIV.

When a question is indefinitely postponed, the same shall not be again introduced during the session.

XXXV.

Any member may call for a division of the question, which shall be divided, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

XXXVI.

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment. No bill or resolution shall at any time be amended by annexing thereto, or incorporating therein, any other bill or resolution pending before the House. No bills shall be printed unless ordered by a direct vote of the House.

XXXVII.

In filling up blanks the largest sum and longest time shall be first put.

XXXVIII.

All questions relating to the priority of business shall be decided without debate.

XXXIX.

When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the House, without debate.

XL.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any member. *Provided*, Notice of intention to move such reconsideration shall have been given on the day or the succeeding day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken; said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session. But there shall be no reconsideration of a vote on the motion to indefinitely postpone.

XLI.

In all cases of election by the House the vote shall be taken viva voce.

XLII.

The ayes and noes shall be taken when called for by three members present, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes. And the ayes and noes shall be taken on the final passage of all the bills.

XLIII.

No member or other person shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted.

XLIV.

No member shall vote on any question, in the result of which he is personally interested or involved.

XLV.

Upon a division and count of the House on any question, no person without the bar shall be counted.

XLVI.

No member shall be allowed to explain his vote, or discuss the question while the ayes and noes are being called; and no member shall be allowed to change his vote after the vote is announced from the Chair.

XLVII.

CALL OF THE HOUSE.

Upon a call of the House, the names of the members shall be called over by the Clerk and the absentees noted after which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse or sufficient excuses are made, may, by order of those present, be taken into custody as they appear or may be sent for and taken into custody by the Sergeant at Arms, wherever to be found, or by special messenger to be appointed for that purpose.

XLVIII.

MISCELLANEOUS.

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present, except that portion of rule V. relating to third reading of bills.

XLIX.

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness, and no member shall obtain leave of absence, or be excused without a vote of two thirds of the House.

L.

No persons, except members of the Council, Territorial officers and ladies, shall be admitted within the bar of the House, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the House cleared of all such persons.

LI.

No smoking shall be allowed within the Assembly Chamber during the session of the House.

LII.

The rules of Parliamentary practice contained in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Council and House of Representatives.

LIII.

The Assembly room shall not be used for any public or private business other than legislative, except by permission of the House.

LIV.

It shall be in order for any member, or members, to protest against action of the House, and have such protest entered upon the minutes.

LV.

All bills reported to the House, by either standing or special committees after receiving their second readings, shall be placed upon a general file to be kept by the Clerk, and no bill shall be considered by the House until the regular order of business shall have been gone through, and then bills shall be taken from the general file and acted upon in the order in which they were reported, unless otherwise specially ordered by the House; but engrossed bills shall be placed at the head of the file in the order in which they are received.

LVI.

A substitute shall be deemed and be treated as an amendment, and be treated in all respects as such; *Provided*, That an amendment to an amendment, or substitute cannot be amended.

LVII.

That the Sergeant-at-Arms shall be allowed a fee of one dollar for arresting and bringing any member into the House; and twenty-five cents for each mile necessarily traveled which fee shall be taxed against such member.

— Joint Rules — — of the — Council and House of Representatives

I.
In every case of an amendment of a Bill agreed to in one House and dis-
sented from in another, if either House shall request a conference and appoint
a Committee to confer, the other House shall appoint a like Committee; and
such Committees shall meet at a convenient hour, to be agreed upon by their
respective Chairmen, and shall confer upon the differences between the two
Houses; and shall report as early as convenient the result of their conference
to their respective Houses for their action.

II.

When a message shall be sent from either House it shall be announced at
the door by the Doorkeeper, and shall be respectfully communicated to the
Chair by the person by whom it may be proper.

III.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense
of propriety of each House may determine to be proper.

IV.

Notice of the action of either House to the other shall be on paper, and
under the signature of the Secretary or Clerk of the House from which such
notice is to be conveyed.

V.

After a bill shall have passed both Houses, it shall be duly enrolled by the
Enrolling Clerk of the House of Representatives, or of the Council, as the Bill
may have originated in the one or the other House, before it shall be presented
to the Governor of the Territory.

VI.

When Bills are enrolled they shall be examined by the Enrolling Committee
of the House in which they originated, who shall carefully compare the enroll-
ment with the engrossed Bill, as passed in the two Houses, and correcting any
errors that may be discovered in the enrolled Bill, make their report forthwith
to the House in which the Bill originated.

VII.

After an examination and report, each Bill shall be signed by the respective
Houses; first by the Speaker of the House of Representatives, then by the Pres-
ident of the Council.

VIII.

After a Bill shall have been thus signed in each House, it shall be presented
by the Enrolling Committee of the House in which it originated to the Gover-
nor of the Territory for his approval, (it being first endorsed on the back of the
roll by the Secretary or Clerk as the case may be, certifying in which House the
Bill originated.) The said Committee shall report the day of presentation to
the Governor, which time shall be carefully entered on the Journals of the
House in which the Bill originated.

IX.

All Orders, Resolutions and Votes, which are to be presented to the Gov-
ernor of the Territory for his approbation, shall also, in the same manner, be
previously enrolled, examined and signed, and shall be presented in the same
manner, and by the same Committee, as provided in the case of Bills.

X.

When the Council and House of Representatives shall judge it proper to
make a joint address to the Governor, it shall be presented to him in his audi-
ence chamber by the President of the Council, in the presence of the Speaker
and both Houses.

XI.

When a Bill or Resolution which shall have passed in one House is rejected
by the other, notice thereof shall be given to the House in which the same shall
have passed.

XII.

When a Bill or Resolution which has been passed in one House shall be re-
jected in the other, it shall not be brought in during the same session without a
notice of five days, and leave of two thirds of that House in which it shall be
renewed.

XIII.

Each House shall transmit to the other, papers on which any Bills or Reso-
lutions shall be founded.

XIV.

After each House shall have once adhered to their disagreement, a Bill or
Resolution shall be lost.

XV.

No Bill or Resolution that shall have passed the House of Representatives
and Council shall be presented to the Governor for his approval on the last day
of the Session.

XVI.

There shall be a Joint Standing Committee of one from each House, who
shall examine all matter proposed to be printed by concurrent order, and shall
report what parts of such matter is needful to print.

XVII.

No increase of the pay of any officer or attache of the Council or House of
Representatives shall be made by resolution except by a two-thirds vote of
each House.

XVIII.

All Concurrent or Joint Resolutions which relate to or contain communica-
tions to the Federal Government, and such as have the force and effect of law
shall be treated as Bills.